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The Weekly Standard (ISSN 1083-3013), a division of Clarity Media Group, is published weekly (except the first week in January, third week in April, second week in July, and fourth week in August) at 1150 17th St., NW, Suite 505, Washington D.C. 20036. Periodicals postage paid at Washington, DC, and additional mailing offices. Postmaster: Send address changes to The Weekly Standard, P.O. Box 50108, Boulder, CO 80322-0108. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-283-2014. Subscribers: Please send new subscription orders and changes of address to The Weekly Standard, P.O. Box 50108, Boulder, CO 80322-0108. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-850-682-7644 for subscription inquiries. American Express, Visa/MasterCard payments accepted. Cover price, $4.95. Back issues, $4.95 (includes postage and handling). Send letters to the editor to The Weekly Standard, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. For a copy of The Weekly Standard Privacy Policy, visit www.weeklystandard.com or write to Customer Service, The Weekly Standard, 1150 17th St., NW, Suite 505, Washington, D.C. 20036. Copyright 2009, Clarity Media Group. All rights reserved. No material in The Weekly Standard may be reprinted without permission of the copyright owner. The Weekly Standard is a registered trademark of Clarity Media Group.

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The 'Argentine Firecracker'

The Scrapbook hasn't much to add to the saga of Governor Mark Sanford of South Carolina and his Argentine soulmate. The Scrapbook is all for open government, of course, but when the governor started talking—and talking and talking—about how many times he had "crossed the line" with women in his married life or compared himself to King David or discussed his intent to "fall in love again" with Mrs. Sanford, he crossed The Scrapbook line that separates us from the realm of Too Much Information.

When this episode began, however, The Scrapbook was impressed not by the sordid/pathetic details—the sloppy emails, the Appalachian Trail cover story, King David again—but by the fact that the governor's beloved is not a statehouse intern (à la Bill Clinton) or a working girl (Eliot Spitzer) but a (divorced) Argentine TV journalist/businesswoman in early middle age named Maria Belen Chapur. Apparently there's something about Argentine women in early middle age that is catnip to certain Southern politicians.

The Scrapbook refers here to the late Rep. Wilbur Mills of Arkansas who, from 1957 until 1974, was invariably referred to in the press as the "powerful chairman of the House Ways and Means Committee," and who was, in his time, one of those genuinely omnipotent Capitol Hill powerbrokers during the golden age before the Watergate reforms.

That is, until one evening in October 1974 when, as was his custom, Mills was enjoying a drunken assignation with his own extramarital soulmate at a downscale Polynesian restaurant in Washington called the Junkanoo.

Mills and his friend, whose name was Annabella Battistella, then piled into his official vehicle and were scuffling in the back seat when a park policeman stopped the car beside the Tidal Basin because the driver had not turned on the headlights. At that instant, just as a television camera crew arrived on the scene to record the spectacle, Mills's companion bolted from the car, and ran into the Tidal Basin in a vain attempt to escape from the cops. Mills, thoroughly intoxicated, with his face scratched and his mistress thrashing around in the waist-deep water (all recorded on the local TV news), appeared to be looking into the abyss of humiliation, disgrace, and involuntarily early retirement.

And yet he might—just might—have survived the mortification, except for two things. First, his soulmate was not just any goodtime gal but a 38-year-old stripper with the irresistible stage name of "Fanne Foxe, the Argentine Firecracker." And second, after winning reelection back home in Arkansas a few weeks later, Mills followed Ms. Foxe to a professional engagement at Boston's Pilgrim Theatre, where he made an unscheduled appearance onstage and, suitably fortified with booze, conducted a press conference backstage with the Argentine Firecracker and her understanding husband.

We know where this ends. Shortly thereafter Mills resigned his chairmanship and stepped down from Congress in 1976. He also stopped drinking, joined the lecture circuit on the perils of alcohol, and died—still married to Mrs. Mills—in 1992. Fanne Foxe, the Argentine Firecracker, is now 73 years old and lives in Argentina.

It's a sad story, from The Scrapbook's point of view, but a sadly familiar one—with just one tantalizing postscript: Has anybody in Buenos Aires introduced Mrs. Battistella to Mrs. Chapur? ♦

The Chief vs. the King

Another reason to admire Chief Justice John Roberts: As a young aide in the Reagan White House Counsel's office, he twice put the kibosh on efforts to solicit letters from Ronald Reagan lauding the late "King of Pop," Michael Jackson. Charlie Savage of the *New York Times* retrieved the memos, which were among the documents released before his 2005 Senate confirmation hearings. The first, from June 22, 1984, refers to a proposed letter from Reagan that would have appeared in a special issue of *Billboard* magazine devoted to Jackson:

> I recognize that I am something of a vox clamans in terris in this area, but enough is enough. The Office of Presidential Correspondence is not yet an adjunct of Michael Jackson's PR firm. "Billboard" can quite adequately cover the event by reproducing the award citation and/or reporting the President's remarks. (As you know, there is very little to report about Mr. Jackson's remarks.) There is absolutely no need for an additional presidential message. A memorandum for Presidential Correspondence objecting to the letter is attached for your review and signature.

That fall, with Jackson planning a concert in Washington's RFK Stadium, the White House correspondence office proposed a letter of greeting from the president. Roberts responded in part:

> I recommend that no such letter be sent. The Jackson tour, whatever stature it may have attained as a cultural phenomenon, is a massive commercial undertaking. The visit of the tour to Washington was not an eleemosynary gesture; it was a calculated commercial decision that does not warrant gratitude from our Nation's Chief Executive. Such a letter would also create a bad precedent, as other popu-

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lar performers would either expect or demand similar treatment. Why, for example, was no letter sent to Mr. Bruce Springsteen, whose patriotic tour recently visited the area? Finally, the President, in my view, has done quite enough in the way of thanking and congratulating the Jacksons, and anything more would begin to look like unbecoming fawning. ♦

The FBI on Saddam

Notes and transcripts from the FBI's interviews with a captured Saddam Hussein were released last week. It's not edifying reading. Here's a bit from a May 10, 2004, FBI memo, written after an agent's "casual conversation" with Saddam:

> Hussein's work schedule was long, but he would set time aside for fictional reading, something he enjoyed very much. His days would include meetings with the other senior Ba'ath Party members. Hussein claimed he regularly met with the Iraqi people as he found them to be the best source of accurate information. Hussein would meet with citizens daily, or every other day. When asked, how could he be certain that the citizens were honest during their discussions, as most would have been afraid? Hussein replied that this could have been the case, but the population knew he sought the truth. Hussein gave an example involving his half-brother, Watban Ibrahim Hasan Al-Majid, the Minister of Interior at the time. A citizen reported to Hussein that while stopped at a traffic light, Watban fired his pistol at the traffic light. Hussein contacted Watban to determine if this was true. Watban acknowledged it was. Hussein then told him to pack his things, allowing him to learn of his removal from Hussein instead of the state news radio. Hussein claimed that he held his family at a higher standard than others.

Of course, Saddam killed his own family members. Astonishingly, this type of mindless drivel is now being cited as evidence that the FBI "broke" or got good intelligence out of Saddam. ♦

Mary Lou Forbes, 1926-2009

The Scrapbook bids adieu to Mary Lou "Ludy" Forbes of the *Washington Times*, who died last week. A Pulitzer winner as a young reporter for the *Washington Star*, Mrs. Forbes presided—unflappably, cheerfully, tirelessly—over the Commentary pages of the *Times* for 25 years, until just days before her death at 83. "Pages" is the key word. While other papers shrank the space officially devoted to opinion writing (even as the amount of opinion in their "news" pages grew), Forbes's multipage section was home to an astonishingly large array of columnists, many of them conservatives, at a time when there were far fewer outlets for conservative opinion than in recent years.

It is probably no exaggeration to say that thousands of writers are in her debt, as of course are hundreds of thousands of faithful readers. ♦

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Casual

Michael and Me

I was only a Michael Jackson fan of the third rank. Too young to have known him in his Jackson Five days, I glommed on when *Thriller* was released in 1982. I was 8 years old then, and his music was geared precisely to my sensibility. Despite my descent into a lifetime of fandom, I never owned either of the famous Jackson jackets, though I did have a white, spangled glove. I never saw him in concert, but I spent an inordinate amount of time conquering his videogame, Moonwalker. And on a spring day in 1992, I sat through the movie *Captain EO* four times.

In 1986, Disney jumped on the Jackson bandwagon and commissioned that 17-minute film. Directed by Francis Ford Coppola, it starred Jackson as a deep-space freedom fighter, a musical amalgam of Han Solo and Luke Skywalker. Shot in 3-D for a reported $30 million, it played in Epcot Center's Future World pavilion for eight years.

Like most of Jackson's career, *Captain EO* was a transparently commercial construct, combining elements of the biggest grossing movie of all time (*Star Wars*) and the best selling album (*Thriller*). Captain EO's spaceship was home to a rag-tag crew of creatures and robots directly descended from George Lucas's Creature Cantina. (No surprise, since Lucas produced the movie.) When EO's ship lands on a dark planet the gang encounters an evil queen. She arrests them and has them slated for execution. But then Captain EO sings, and with the power of his voice transforms the queen's guard into backup dancers. Finally the queen herself (played by Anjelica Huston) is transformed into a beautiful and peace-loving princess. However absurd it may sound on paper, in execution *Captain EO* was ten times sillier.

Yet it was irresistible. After seeing it the first time, I laughed at how ridiculous it was. But the tunes were catchy, and you don't see movies in 3-D every day. So I decided to duck back in to see it again. On second viewing, *Captain EO*'s flaws became campy fun. An hour later I was filing out of Disney's Imagination Theater for the fourth time, convinced that I had seen a minor masterpiece.

DARREN GYGI

A lot of Jackson's work was like that. He didn't write his own music, and his songs are essentially meaningless. *Beat it—Just beat it—No one wants to be defeated* is as far from Cole Porter as it gets. Jackson's voice, while interesting, wasn't exceptional.

But he was a great dancer, the Fred Astaire of his generation. His lines were breathtakingly fluid and clean. Furthermore, he was an entertainer par excellence, his performances part concert, part vaudeville act, part stage show. Nearly every criticism of Jackson the artist is deserved. Yet he was enormously enjoyable to watch.

It was this cotton-candy aspect that first made Jackson so popular. Eventually, though, his popularity itself became the main attraction. *Thriller* sold more albums than any record ever made, and still sells 100,000 or so discs a year. The videos Jackson shot for it set a technical standard for the nascent form and were directly responsible for the success of MTV. They helped shape the cable industry and resurrected the career of Vincent Price.

For a while, Jackson was the most famous person on the planet. He was everywhere from videogames to lunchboxes to action figures; at Buckingham Palace and the White House. He was big in Germany and Australia and Uzbekistan. He remains the only man measurable with the yardstick we use for Elvis.

If you want to get a sense of Jackson's reach, there's a small universe of couples who stage elaborately choreographed versions of the "Thriller" number as the first dance at their weddings. You can look it up.

There's something ghastly about it all, but something glorious, too. Because if you're going to have globalized, mass-market entertainments, they might as well be genuinely enjoyable. Watch the video for "Smooth Criminal," in which Jackson spins and dance-fights his way around a '30s speakeasy and try not to smile. It's *Singin' in the Rain* for 3 billion people.

Mind you, there's no getting around the craziness. If even a tenth of the stories about Jackson were true, he was catastrophically weird. He had a pet chimp named Bubbles. He wore masks in public during most of his later years, the consequence of having overdosed on cosmetic surgery two decades before it was fashionable. He was uncomfortably obsessed with his own lost childhood, not to mention children. Fame warps; absolute fame warps absolutely.

In the end, Jackson's cultural footprint was wider than it was deep. It's not a criticism to suggest that 30 years from now people won't look to him the way we still look to Sinatra, Elvis, or the Beatles. Because of this, enjoying Michael Jackson was maybe a little safer, in the way that momentary pleasures are. Even if, for some of us, that moment lasted for a very long time.

Jonathan V. Last

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A Philosophic Aside

In her "Lead Kindly Life" (June 15), Emily Colette Wilkinson twice describes Jean Jacques Rousseau as a believer in opposition to Thomas Hobbes in innate human kindness and sociability. Although this is a widely accepted notion, it is directly at odds with the "Discourse on the Origin of Inequality," where Rousseau explicitly portrays human beings in the state of nature as asocial loners largely indifferent (like himself) to their fellows. Rousseau does say that man is naturally "compassionate," but he explains that this "compassion" has limits. It includes a capacity for pity but not a disposition to be charitable or kind. It was not Rousseau, the philosopher of the French Revolution, but the Scots David Hume and Adam Smith, who made belief in a capacity for "natural sympathy" the basis of their moral and political philosophies.

Max Hocutt
Emeritus Professor of Philosophy
University of Alabama

Fortune 500 Diversity

Matt Labash's article "Where Everybody is Disadvantaged" (May 25) reminded me of my experience growing up in a corporate Fortune 500 environment. I can vividly recall the "wrist-slashing lectures" (to steal a line from the article) I endured during the introduction and forced-feeding era of valuing diversity. It wasn't humorous then, but I have to admire the pure comic genius of Labash to make me laugh about it now. It is difficult to imagine how anyone could make such a topic entertaining, but Labash did, and I didn't want that article to end.

But end it did, and with the right message to boot: Government intervention in the private sector has once again proven to be fundamentally discriminatory and unproductive. As Ronald Reagan demonstrated, if you can unburden the individual from crushing taxes and government obstacles, he or she will succeed on their own—if they are worthy.

Paul Forrest
La Quinta, California

Matt Labash's "Where Everybody Is Disadvantaged" was serious and funny.

I wonder how Madame Curie survived without diversity groups? Golda Meir? Jane Austen? How about Cleopatra? To name a few. It's a distorted fad. These groups desperately try to elevate mediocrity, yet all the great religious leaders couldn't seem to drive mankind to an even playing field. On a much larger basis than ego, intelligence is not about the color of your skin or where you

live. However, the diversity groups would make a hysterically funny skit for Comedy Central.

I am a retiree. However, when I worked for a Fortune 500 company I refused to attend a diversity class in the '90s and was told my yearly bonus depended on it.

Joan Christensen
Fountain, Colorado

Pulitzer Predictions

Andrew Ferguson's article on that incestuous cesspool of humanity, otherwise known as the mainstream media ("The Fawn Patrol," June 22) made me laugh out loud. He absolutely nailed the truth of the matter, in a beautifully written and highly amusing article. What a bunch of self-congratulating narcissists. Ferguson deserves the Pulitzer Prize for this alone, but of course he won't get it because that is just another liberal love-fest. I am sure it will go to Katie Couric. But the line I loved the best was (to paraphrase), "Everyone admires Helen Thomas but no one knows why."

Paula Higgins
Marietta, Georgia

Shedding A Few Tiers

If snobs do indeed make the best spies, then apparently they do not make the best writers—certainly not in the case of Sam Schulman in his piece on W. Kendall Myers ("At Least He Isn't a Traitor to His Class," June 22). Mr. Schulman has an estimable educational pedigree (Yale, Oxford, Bennington); it's a pity that the class of these institutions doesn't seem to have rubbed off on him.

Those of us at Mercersburg Academy are left to wonder what top-drawer journalistic principles gave Mr. Schulman his license to trash not only our institution ("the third-tier Mercersburg Academy"), but also the great Brown University, simply because one alumnus we share has been identified as an alleged long-time spy for the Cuban government?

Mercersburg's alumni include 54 Olympians, seven Rhodes scholars, three Medal of Honor recipients, two Academy Award winners, and one Nobel laureate, among many others that we have no space to list here. To our knowledge, Mr. Schulman has nothing on his résumé that comes close to any one of these life achievements by Mercersburg alumni, who exemplify the values that Mercersburg imparts to all its students.

Thus, perhaps Mr. Schulman and The Weekly Standard should reassess who in this instance is truly "third-tier." Clearly it is not Mercersburg Academy.

Wallace Whitworth
Director, Strategic Marketing and Communications
Mercersburg Academy

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On Obama's Watch

On June 20, after a week of post-Iranian-election presidential mealy-mouthing, and a day after both houses of Congress had passed resolutions condemning the behavior of the Iranian regime, the White House put out a statement from President Obama. It began:

> The Iranian government must understand that the world is watching. We mourn each and every innocent life that is lost. We call on the Iranian government to stop all violent and unjust actions against its own people.

It ended:

> Martin Luther King once said, "The arc of the moral universe is long, but it bends toward justice." I believe that. The international community believes that. And right now, we are bearing witness to the Iranian people's belief in that truth, and we will continue to bear witness.

Leave aside the questionable notion that the "international community" believes the arc of the moral universe bends toward justice. Focus on what is truly startling: The president of the United States apparently believes the government of Iran needed to hear from him that "the world is watching." Why did he suppose the regime was busy shutting down websites and expelling foreign journalists or restricting them to their hotels in Tehran? What the Iranian regime cared about—what the Iranian regime was worried about—was what, if anything, the world would *do*.

The answer, the American president told them, was that the world would do nothing.

Almost a half-century before, a young Democratic president had said this:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.

Once an American president had promised we would bear any burden. Our current president promises "we will continue to bear witness." It's quite an evolution.

To be fair, sometimes the point of bearing witness is to rouse men to action. Barack Obama, though, seems to take pride in bearing witness for the sake of . . . bearing witness. Unlike Martin Luther King, whom he invokes, but like the 1968 Democratic convention protesters whose chant he echoes ("The whole world is watching"), it's all about demonstrating one's moral superiority to the agents of injustice. It's not about correcting the injustice. As (former?) Obamaphile Leon Wieseltier recently noted, "Obama seems to think that there is some force in the admonition that the world is watching; but history plentifully demonstrates that when the world is watching, all the world does is watch."

One does hope that the arc of the moral universe bends toward justice. But sometimes the moral universe could use a helping hand, and the American president is uniquely situated to be of assistance.

Unfortunately, action that might actually weaken the Iranian regime seems to be the last thing Obama wants to undertake. Since June 12, he's done nothing to help those Iranians who have been seeking, in the words of Thomas Jefferson, "to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government."

Last week, three of Iran's opposition leaders boldly denounced Ahmadinejad's government as illegitimate, a day after the regime forbade further challenges to the election result. Mir-Hussein Mousavi posted this on his website: "It's not yet too late. It is our historic responsibility to continue our protests to defend the rights of the people" and oppose a police state in Iran. But Obama refused to take their side. "The political situation in Iran is for the Iranians to work out internally," said Obama's U.N. ambassador, Susan Rice. So much for standing with the Iranian people who are fighting to vindicate (Jefferson again) "the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of god."

Hillary Clinton—remember her? Barack Obama's increasingly marginalized secretary of state—said a couple of months ago, "Let's put ideology aside; that is so yesterday." Well, it's increasingly clear that John F. Kennedy's Democratic party—the one that stood for freedom, that acted on behalf of freedom—is so yesterday, too. But the fact is, as Wieseltier succinctly put it, "there is nothing more sweepingly in the interest of the United States in the Middle East than the withering away of the theocracy in Iran." That's not so yesterday. That's a truth of today. For all of his talk of bearing witness, it's a simple truth Obama will not open his eyes to see. Because if he saw the truth, it would require action. And acting on behalf of justice—as opposed to talking about it—is hard.

—*William Kristol*

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Questioning Sotomayor

The Senate hearings needn't be worthless.

BY ROBERT F. NAGEL

GARY LOCKE

With Senate confirmation hearings for Supreme Court nominee Judge Sonia Sotomayor about to get under way, you can feel the usual sense of anticipation building. Reporters, Senate aides, and interest-group activists are all busy. They are sifting through her judicial opinions and speeches, interviewing former law clerks, and possibly (it has happened before) checking out her garbage.

All this activity will produce some issues. Already a question has been raised about whether Sotomayor thinks that being a Latina would—or should—affect how she decides cases. Nevertheless, the expectation of drama and excitement in confirmation hearings is seldom fulfilled. Unless there is some allegation of personal wrongdoing (remember the Clarence Thomas hearings) or unless Sotomayor unaccountably decides to follow Robert Bork down the garden path of intellectual candor, the pattern of questions and answers is predictable and will be unedifying. This is unfortunate because, while vacuous confirmation hearings have become the norm, they are not inevitable.

The main thing senators and the public want to know in a confirmation hearing, of course, is how the nominee is likely to vote in controversial cases. Like virtually all other nominees in recent decades, however, Sotomayor will decline to express her views on such questions for the doubtful but widely accepted reason that such answers would compromise her impartiality if the case were actually to come before the Court. Shielded from having to reveal even tentative thoughts about how controversial cases should be resolved, nominees resort to two simple tactics. Both allow supporters to draw favorable inferences but provide nothing solid for opponents to attack.

The first tactic is to tell personal stories. A typical example occurred when nominee Stephen Breyer was asked if some political speech should be given more constitutional protection than other kinds of speech. His answer was a meandering account of how, when he and his son had argued at the dinner table, it had proven salutary for him to listen to his son's views.

And then there is the equally opaque exchange between David Souter and Senator Howard Metzenbaum, who asked whether Souter understood (empathized with, to use the current phrasing) the position of a woman facing an unwanted pregnancy. Souter replied by recalling how as a proctor in his college dorm he had had a long conversation with a young pregnant woman. Without revealing any of the content of that conversation, Souter nevertheless

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was able to assert that—because he remembered "that afternoon"—he knew what Metzenbaum was trying to tell him.

The second tactic involves not the personal but the abstract. The nominee, with furrowed brow, recites one jurisprudential bromide after another. While specific terminology varies, the gist of the standard exposition is this: Yes, of course, the Constitution's text conveys permanent principles. But those principles are general and therefore must be interpreted and should be interpreted in a way that keeps them up-to-date. Yes, it is true that in this process of interpretation a judge's personal philosophy and experience inevitably play a part. No, that does not mean that the justices can amend the Constitution according to their own preferences. The justices, after all, are influenced not only by their personal beliefs but also by legal precedents, the Founders' intentions, legal traditions, the moral understandings of our people, and so on.

This familiar jurisprudential litany is meant to be reassuring. As Souter put it, the justices should "repress a level of purely personal choice." Or as Samuel Alito told the Judiciary Committee, the Supreme Court is not "free to do anything it wants." Oh, good: Something in addition to their personal preferences should—to some undefined extent—influence judges. Lost in this fog of interpretive theory is any indication of what the nominee *would* feel free to do if placed on the Court.

Confirmation hearings need not be this empty. For them to be useful, however, Judiciary Committee members must stop talking like the lawyers most of them are and start talking like politicians concerned about their country. They can do this in a way that would not require Sotomayor to indicate how she would decide specific cases. And they can do it without encouraging personal anecdotes or jurisprudential clichés. All that the senators on the Judiciary Committee need to do is ask directly for the nominee's views about how the Court's decisions are affecting American politics and culture.

Consider, to begin with, the central constitutional issue of recent times: abortion. Instead of asking about whether a right to privacy can be found in some legal penumbra, Sotomayor could be questioned about the social consequences of *Roe* v. *Wade*. For example, she could be asked whether she agrees with the many serious observers who believe that *Roe* significantly intensified conflict over the abortion issue by making moderation and compromise less possible. Or she could be asked whether she thinks the decision increased public cynicism about what the Court does when it engages in what is called constitutional interpretation.

The anger and disenchantment created by the original abortion decision led, of course, to a sustained political effort to get the Court to reverse or limit that ruling. In 1992 the Court reacted by reaffirming the basic holding of *Roe* that the Constitution protects the right of abortion. In this decision, *Planned Parenthood* v. *Casey*, a majority of the Court declared that the purpose of *Roe* had been to end the nation's division on the issue of abortion and that continuing efforts to induce a reversal of that case were a threat to national identity and the rule of law.

Senators, therefore, could ask Sotomayor whether she agrees with the *Casey* Court that the purpose of a Supreme Court decision sometimes ought to be the termination of public debate on a moral issue. They could ask if she agrees that lawful efforts to convince the Court to reverse itself are in some instances anarchic. And, if she answers in the affirmative, they could ask whether insulating the Court's rulings from political dissent might not result in a sense of disenfranchisement and alienation among significant segments of the public.

Abortion, needless to say, is not the only issue that raises profound questions about the role of the Supreme Court. Eminent observers have defended *Bush* v. *Gore*, the decision that determined the outcome of the 2000 presidential election, on the ground that in some periods of turmoil the Court's role is to prevent the political branches, including Congress, from creating chaos. Sotomayor could be asked whether she agreed with that assessment. And she could be asked whether the Court's intervention might itself have risked a certain kind of chaos by undermining the legitimacy of a presidential election.

Once those busy people preparing for Sotomayor's confirmation hearings turn their thinking to this general line of inquiry, they will find vast resources are at hand. Have the many Supreme Court decisions protecting profanity and other forms of indecent speech helped to undermine suitable standards of public discourse? If so, what are the likely consequences for our democratic system? On issues like sexual equality and gay rights does the Court risk being seen, in the way that Justice Scalia has charged, as taking sides in the culture wars? If so, what are the potential costs to public debate on moral issues and to public attitudes towards the judiciary?

Broaching these kinds of issues inevitably leads to claims that the Court's interventions are sometimes necessary and healthy because, as in the circumstance of school desegregation, only the judiciary can liberate minorities from oppression. If such claims are made, Sotomayor could be asked what she thinks of recent, respected scholarship indicating that *Brown* v. *Board of Education* was less a factor in producing integrated schools than congressional legislation. If Sotomayor, like many members of the legal elite, displays a lack of appreciation for the role of Congress in protecting the rights of minorities, senators (one would think) might want to take note.

An informed discussion about the role of the Supreme Court in America's cultural and political life would reveal a great deal about what sort of justice Sonia Sotomayor would be. It would also encourage public consideration of institutional issues of the highest importance. ♦

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Reversing Sotomayor

The *Ricci* decision points to ongoing controversies about race. BY TERRY EASTLAND

Last Monday, on the final day of its 2008-09 term, the Supreme Court decided its most controversial recent case, *Ricci* v. *DeStefano*. This concerned the now-famous claim by a group of firefighters—17 white and one Hispanic—that New Haven unlawfully discriminated against them on the basis of race.

A majority of five justices, with Justice Anthony Kennedy writing, held for the firefighters, reversing a panel for the U.S. Court of Appeals for the Second Circuit that included Judge Sonia Sotomayor, President Obama's nominee to succeed Justice David Souter. The four dissenting justices, meanwhile, made plain their belief that the *Ricci* decision will be undone in short order. Justice Ruth Bader Ginsburg wrote, joined by Justices John Paul Stevens, Stephen Breyer, and Souter, "The Court's order and opinion, I anticipate, will not have staying power."

Ricci could suffer that fate. The firefighters' complaint alleged violations of both the Constitution (the Fourteenth Amendment's equal protection clause) and Title VII of the Civil Rights Act of 1964. The Court found it unnecessary to address constitutional questions since it disposed of the case under Title VII. That means the *Ricci* decision is a purely statutory case, and a Congress that is overwhelmingly Democratic could try to pass a law overruling it. Hill Democrats are already working on a bill.

Thus, while the case has been decided, the battle is not over. At stake in any legislative battle is the vitality of the principle of nondiscrimination.

In 2003, New Haven firefighters took written and oral exams to qualify for promotion to lieutenant and captain. Under the city charter, the results, once certified, would determine which candidates would be promoted for seven captain positions and eight lieutenant jobs.

As it happened, the candidates who did the best were mostly white: 64 percent of white candidates passed the captain exam as did 37.5 percent of the black and Hispanic candidates. On the lieutenant exam, the pass rates were 58.1 percent for whites, 31.6 percent for blacks, and 20 percent for Hispanics. None of the black candidates performed well enough to be considered for the 15 positions then open.

A public debate ensued, with some firefighters saying the tests should be thrown out because the results indicated they were discriminatory against minorities; they threatened a lawsuit should the city use the results to make promotions. Other firefighters defended the exams as neutral and fair and said they would sue if the city rejected the results.

The city chose not to certify the results and to promote no one. Whereupon Frank Ricci and 17 like-minded firefighters sued the city. They lost on summary judgment in the district court and then in the Second Circuit, which simply adopted the lower court's opinion. Sotomayor was one of the three Second Circuit judges on the panel that reviewed *Ricci*, and her work in the case has drawn criticism and indeed a thorough rebuke of sorts: Though the Supreme Court was sharply divided in deciding *Ricci*, not a single justice agreed with her and her two colleagues' summary judgment for New Haven. The four dissenters led by Ginsburg all believed there were issues to be tried.

Title VII prohibits employment discrimination on the basis of race, color, religion, sex, and national origin. One of its provisions forbids intentional discrimination, often called "disparate treatment," meaning less favorable treatment of someone on account of that person's race.

Another provision, enacted in 1991 though drawing on older decisions, prohibits employment policies or practices that have a racially disparate impact unless they are "job-related . . . and consistent with business necessity" or the employer is presented with and adopzts alternative policies or practices that are also job-related but have less disparate impact.

The *Ricci* plaintiffs said that in throwing out the test results New Haven violated the disparate treatment provision. The city countered by saying it lacked a discriminatory motive. Kennedy refused to let the city off the hook, writing that in choosing not to certify the test results the city had made "express, race-based" decisions, which are in themselves discriminatory. As even the district court noted in a passage of its opinion cited by Kennedy, the city rejected the test results because "too many whites and not enough minorities would be promoted were the lists to be certified." Kennedy concluded that what the city did "would violate the disparate-treatment prohibition"—unless there were "some valid defense."

The city's attempt at a valid defense, as summarized by Kennedy, was its "good-faith belief that [it] would have violated the disparate-impact prohibition . . . had [it] certified" the test results. Here Kennedy noted that Congress in enacting the disparate impact prohibition in 1991 made no such "good-faith" exception to disparate treatment liability. "Allowing employers," he wrote, "to violate the disparate-treatment prohibition based on a mere good faith fear of disparate-impact

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liability would encourage race-based action at the slightest hint of disparate impact." Such a minimal standard, Kennedy said, could lead employers to throw out lawful and useful exams and hire and promote by the numbers, perhaps even with the intent of achieving racial balancing, which Title VII explicitly prohibits.

So it was that New Haven had no valid defense for its unlawful act of discrimination.

Yet this is not all there is to the *Ricci* decision. The Kennedy majority also undertook "to provide guidance to employers and courts for situations when [the] two prohibitions could be in conflict absent a rule to reconcile them."

Thus, the majority endorsed an approach taken from its constitutional cases—those saying that governments may remedy past racial discrimination by taking race-based actions but *only* when there is "a strong basis in evidence" that such actions are necessary. The majority also disagreed with New Haven's claim that even under "the strong basis in evidence test" its refusal to certify the results was allowed under Title VII: The city could point to the racially disparate numbers, but the tests themselves were job-related and consistent with business necessity, and the city didn't have an equally valid testing alternative that it had failed to adopt. Had the tests been otherwise, and such an alternative spurned, the city's belief that it would face a disparate impact lawsuit would have been valid and its discriminatory treatment of Frank Ricci and company excused.

Should there now be a push in Congress to overrule *Ricci*, it would doubtless seek to substitute a standard more easily met than the strong-basis-in-evidence test. It could be "good faith belief," which the Court rejected, or something seemingly more objective, like "good cause." But whatever it might be, it would likely tend to promote race-based action by employers—racial discrimination—if not at the slightest hint of disparate impact, then at a slight one nonetheless. De facto quotas—an explicit concern of the *Ricci* majority—would almost certainly enjoy protection.

In a brief concurring opinion, Justice Antonin Scalia made clear his own belief that the majority opinion was inadequate in its efforts to limit the racial discrimination that the disparate impact provision often produces. Ricci, he said, "merely postpones the evil day on which the Court will have to confront" a question it has never addressed—and which the mere raising of shocked Ginsburg—"Whether, or to what extent, are the disparate impact provisions of Title VII . . . consistent with the Constitution's guarantee of equal protection?" Here Scalia put his finger on another set of laws potentially in conflict, and one of more significance.

President Obama has been reluctant to say much about race during his presidency. A continuing debate over *Ricci* might compel him to engage the issues it raises. Either way, in choosing Sotomayor for the Court, Obama has picked a judge who failed to test an employer's dubious grounds for racial discrimination.

As Scalia explained, the disparate impact provisions of Title VII "place a racial thumb on the scales, often requiring employers to evaluate the racial outcomes of their policies and to make decisions based on (because of) those racial outcomes"—decisions that will be discriminatory. Yet the higher law of the Constitution, as interpreted by the Court, demands that government, including in what it requires by statute of both private and public employers, treat all citizens equally as individuals and not as mere components of racial groups. Nor does it excuse racial discrimination on grounds of an ostensibly "benign" motive.

Where Ginsburg seems to anticipate a congressional overruling of *Ricci*, Scalia contemplates a case in which even the disparate impact law as interpreted by *Ricci* is subjected to constitutional review. A congressional response to *Ricci* that places a heavier "racial thumb on the scales" would only sharpen the conflict ("war" is Scalia's word) between disparate impact and equal protection, triggering litigation perhaps more quickly.

Not incidentally, and as a predictor of how Sotomayor might approach disparate impact cases in the future, she did not exactly demand much of New Haven. As Stuart Taylor of *National Journal* explained, the racially disparate exam results combined with the notion that minority firefighters might just file a disparate impact lawsuit were enough for her panel to rule in the city's favor. It didn't matter whether the exams were valid or the lawsuit could succeed.

President Obama has been reluctant to say much about race during his presidency, and he has said nothing of significance about *Ricci*. A continuing debate over the case might compel him to engage the issues it raises. Either way, in choosing Sotomayor for the Court, Obama has picked a judge who failed in a significant case to test an employer's dubious grounds for racial discrimination.

Notwithstanding her likely confirmation, the good news is that, replacing the judicially liberal Souter, Sotomayor won't change the Court's philosophical makeup. That is why the Roberts Court, for as long as the majority that decided *Ricci* stays intact, will be the nation's best, and among the three branches of government, only real hope for constraining racial discrimination. ♦

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A Good Niebuhr Policy

The realists, so-called, are back in Washington.

BY MATTHEW CONTINETTI

Have you been racking your brain these past few weeks, trying to figure out what makes the Obama administration's Iran policy "realistic"?

It's a good question. "Realism" in foreign policy has purportedly returned to power after 16 long years in exile. Obama and his allies in and outside government take great care to distinguish their approach to the world from the unbridled idealism that supposedly characterized George W. Bush's administration (and, implicitly, Bill Clinton's). Brent Scowcroft, the prominent realist and former national security adviser to President George H.W. Bush, has the current president's ear. Another realist veteran of the first Bush presidency, Robert Gates, is the secretary of defense. One of the president's biggest boosters in the media—but we repeat ourselves—is the realist Fareed Zakaria. In fashionable coteries of opinion, Woodrow Wilson is out. Reinhold Niebuhr is in.

This ought to be welcome news. American foreign policy makers should always be aware of our country's limits and conscious of its capabilities. It is always good to have people at the helm who understand that American primacy undergirds an international system that has produced more wealth, and more peace, for the world's people than any other in human history, and who therefore seek to promote that system and protect against threats to its stability. Such people are aware that the contest between powers does not end, and search for opportunities to tilt the balance of power in America's (and prosperity's and tranquility's) favor. Such people, in other words, recognize that the turmoil in Iran is an opportunity.

Millions of Iranians no longer see the Ayatollah Khamenei and President Ahmadinejad as legitimate rulers. The violence the regime has deployed to silence dissent only underscores that illegitimacy. Here is a moment, you would think, for America and its allies to heighten the regime's internal contradictions by keeping solidarity with, and helping wherever possible, the Iranian men and women taking to the streets. After all, the more time the Revolutionary Guard spends securing its internal position, the less time it has to obtain nuclear weapons and pursue hegemony over the greater Middle East. A forward-leaning U.S. policy would not only further the cause of liberal democracy, it would strengthen the U.S. position vis-à-vis Iran. And a weakened Iranian regime is more likely to negotiate in good faith with America and her allies.

> Today's realists are so afraid of America's shadow that they counsel inaction even when solidarity with the Iranian opposition would accelerate the demise of Iranian theocracy and improve America's regional power position.

None of this has happened, however. Instead, the realists in power have adopted a policy of inaction in foreign affairs. They are content to sit back and pine for a fantasy world where the United States is an "offshore balancer" that needn't concern itself with protest marches in Persia. Furthermore, in the face of all contrary evidence, today's realists clutch to their belief that the only obstacle to an accommodation with the thugs who rule Iran was George W. Bush. Play nice, they tell us. Sit back. Everything will work out. Don't ruffle any feathers. Taking action will do more harm than good.

Faced with a jerry-rigged election and widespread discontent in Iran, President Obama first downplayed the differences between Ahmadinejad, a man the Iranian opposition calls a "dictator," and the reformist candidate Mir-Hussein Mousavi. Then Obama told Americans that their government's historical legacy of "meddling" in Iranian affairs cautioned against intervention in the current crisis. When the regime's brutality in the face of its people's democratic aspirations became undeniable, however, Obama called "on the Iranian government to stop all violent and unjust actions against its own people." Too little. Too late.

The president has intensified his rhetoric. But he hasn't done much else to support the protests or to sanction the Iranian regime for its actions. The White House's passive language is revealing. In a June 20 statement, President Obama reminded the Iranians that the "world is watching," that Americans "mourn each and every innocent life that is lost," that "we are bearing witness" and will continue to do so. Lovely sentiments. No question that a 20-something student beaten up by Basij militiamen appreciates them. But he probably also wants something more. The Iranian nuclear program, meanwhile, barrels on.

Obama did not say that the United States would take active steps to help the Iranians conduct free and fair elections. He did not propose an international conference devoted to the Iranian opposition. He neglected the opportunity to remind the world that an Iran without nuclear weapons is a global public good. He took care not to give any sign that American power or Amer-

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ican ideals are involved in the uprising. The president and his so-called realist advisers' overriding concern, after all, is that America not "own" the protests.

Why? Because Ahmadinejad is "already accusing the United States and Britain of interference," writes Fareed Zakaria. "Our strategy should be to make sure that these accusations seem as loony and baseless as possible." Historically, the "Tehran government" has appealed to nationalist feelings in order to cement its power. If Ahmadinejad successfully portrays the Mousavi revolt as part of "an ongoing anti-Iranian campaign," then support for the protestors may collapse. American action will have a perverse effect. The United States will frustrate the very end it is trying to achieve.

But Ahmadinejad has already disproved this argument. As Zakaria mentions, he has been blaming the pro-democracy protests on the United States and Britain since the day they began. Did the protestors believe him? They did not. Did a single antigovernment protestor walk away from the marches when he heard that Obama condemned the violence? Nope. Would one of them shake her head and say, "Well, now I *know* Ahmadinejad won fair and square!" if she heard that Obama supported her cause? Of course not. The democrats rallied until the guys with the guns showed up and started shooting.

Obama's muted response might have assuaged uneasy liberal consciences in New York and Washington. Outside in the world, however, where nations vie for advantage, Obama neither won America any friends nor set back any of her adversaries. To the contrary: Ahmadinejad has been emboldened, harassing workers at the British embassy and demanding an apology from Obama.

Today's realists are so afraid of America's shadow, so convinced that the nation is in relative decline, that they counsel inaction even when solidarity with the Iranian opposition would accelerate the demise of Iranian theocracy and hence improve America's regional power position. "[A]t the heart of realist thought today," Robert Kagan wrote more than a decade ago in *Commentary*, "is a hostility to any foreign policy which seeks to foster American ideals abroad—*whether it is safe to do so or not*" (emphasis in the original). Little has changed.

The hostility is blinding. It prevents the realists from recognizing those moments when American interests and American ideals intersect. Moments when forceful words and concrete actions help the democrats' and America's cause.

The realists' lackadaisical attitude in the face of democratic fervor is partly a consequence of their view that a regime's character is largely irrelevant to its foreign policy. It is partly confirmation that Obama's team is more interested in restricting the scope of American ideals, interests, and ambitions than in capitalizing on moments when history might shift decisively in our favor. But, taken as a whole, such a mindset isn't "realistic." It's obtuse. ♦

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The U.S. Marine barracks in Beirut, 1983

AP

Tehran Needs to Stop Meddling

Iran goes abroad in search of Westerners to destroy.

BY JONATHAN SCHANZER & HOWARD GUMNITZKY

While Iranian citizens demonstrate against the dubious results of their presidential election, President Mahmoud Ahmadinejad claims that America is interfering in Tehran's affairs. Supreme Leader Ayatollah Ali Khamenei accuses outside forces of fomenting riots, declaring "the enemies of the Iranian nation" are at work. Ahmadinejad warned President Obama: "If you continue your meddlesome stance, the Iranian nation's response will be crushing and regret-inducing."

The irony is palpable. For a generation, Iran has spread unrest around the world both directly and through proxies like Hezbollah and Hamas. Tehran's leaders have held conferences, issued edicts, and provided arms to strategically undermine its political foes. Iran has sponsored attacks on U.S. soldiers and citizens.

In 1983, Hezbollah operatives, trained by Iran, attacked the U.S. Marine barracks in Lebanon, killing hundreds of American soldiers who were part of an international peacekeeping force. A simultaneous attack killed 58 French soldiers in their barracks in Beirut. Later that year, Iranian-backed militants bombed the American and French embassies in Kuwait, along with the country's airport and main oil refinery. In 1996, Khamenei authorized the bombing of an apartment tower in Khobar, Saudi Arabia, housing U.S. Air Force personnel. Nineteen American servicemen died in the attack.

U.S. officials believe Hezbollah was involved in abducting 30 Westerners between 1982 and 1992. In addition, Hezbollah's Imad Mugniyah was connected to the 1984 hijacking of a Kuwaiti airplane that was diverted to Tehran, where hijackers killed two Americans.

Iran used the Salman Rushdie affair to foment mayhem on the streets of foreign cities. In February 1989 Ayatollah Ruhollah Khomeini issued a fatwa to kill Rushdie, a British author, because his book, *The Satanic Verses*, included an irreverent depiction of the prophet Mohammed. Islamists subsequently firebombed the offices of a New York newspaper, the *Riverdale Press*, that ran an editorial defending the author. Orchestrated riots took place in Bombay (Rushdie's birthplace) in which 12 died. A Hezbollah agent blew up himself and two floors of the hotel where he was staying in London, unsuccessfully trying to prepare a bomb with which to assassinate Rushdie. The following year, attackers stabbed Rushdie's Japanese and Italian translators. Iran's loyalists shot the Norwegian publisher of *The Satanic Verses* and targeted its Turkish translator in a hotel arson that killed 37. It is worth noting here that Iran's supreme leader Ali Khamenei—who now deplores "foreign agitation"—renewed the fatwa in 2003.

Tehran has also caused mayhem in Latin America. Argentine officials in 2003 finally indicted senior Iranians for masterminding the 1994 Jewish community center bombing in Buenos Aires, which killed 85 people. Argentine prosecutors believe that senior Iranian leadership was behind the 1992 attack on the Israeli embassy there.

Iran encourages Palestinian violence against Israel. Tehran hosted

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three global conferences to fan the flames of the al-Aqsa Intifada, a bombing campaign that followed the collapse of Middle East peace talks in 2000. In the midst of Western efforts to end the spiraling violence in early 2002, Iran shipped some 50 tons of weapons to Gaza.

Tehran's intervention in Iraq goes far beyond mere "meddling." The Islamic Republic was behind countless lethal roadside attacks on U.S. and allied forces there. The Mahdi Army, one of the most obdurate Iraqi militias, receives philosophical guidance from Tehran's clerics. Its leader, Moktada al-Sadr, on occasion directed his soldiers from Iran.

Iran went to extensive efforts to influence Baghdad's 2005 elections. Iraqi president Ghazi Yawar charged Tehran with coaching candidates and political parties sympathetic to Tehran, and of pouring money into politically aligned campaigns. Jordan's King Abdullah accused Iran of paying salaries and providing welfare to unemployed Iraqis to build pro-Iranian public sentiment. Moreover, Abdullah claimed that one million Iranians crossed into Iraq to vote in 2005.

The ayatollahs play a hand in destabilizing Afghanistan, too. A U.S. Treasury Department report says that Tehran's Revolutionary Guard provided "material support" to the Taliban. An al Qaeda-linked Kuwaiti militant, Mubarak al-Bathali, affirmed that Iran supported insurgents fighting American troops in Afghanistan.

In Lebanon, Hezbollah destabilizes Beirut's government, building on efforts that began with the 1983 Marine barracks bombing. An international investigation into the assassination of Lebanese politician Rafik Hariri links Hezbollah to his 2005 murder. Just this past month, Hezbollah gunmen clashed in Beirut with supporters of the newly elected government.

Despite its stated support for the Palestinian cause, Iran exacerbates the political tension between Palestinians. After Israel completed its disengagement from Gaza in 2005, Hamas and Fatah engaged in a power-struggle there until June 2007, when Hamas launched a military coup to wrest control of the area. Rival Fatah faction members accused Iran of funding the Hamas coup and training its fighters. In April, it was revealed that Iran's reach extended to Egypt. Cairo authorities announced they had discovered a Hezbollah plot to destabilize the country with "hostile operations."

Tehran, in short, has a long record of exporting terror and destabilization to other nations. Washington remained on the sidelines of Iran's election controversy because President Barack Obama insisted that "it's not productive . . . to be seen as meddling." Indeed, Obama and his Western counterparts have failed to support the Iranian protests that could help bring an end to the dangerous theocracy that has ruled Iran since 1979, and is itself a meddler par excellence.

In other words, the West *is not* stopping the Islamic regime from repressing its own citizens. Instead, it is the people of Iran who are finally giving the ayatollahs a taste of their own medicine. ♦

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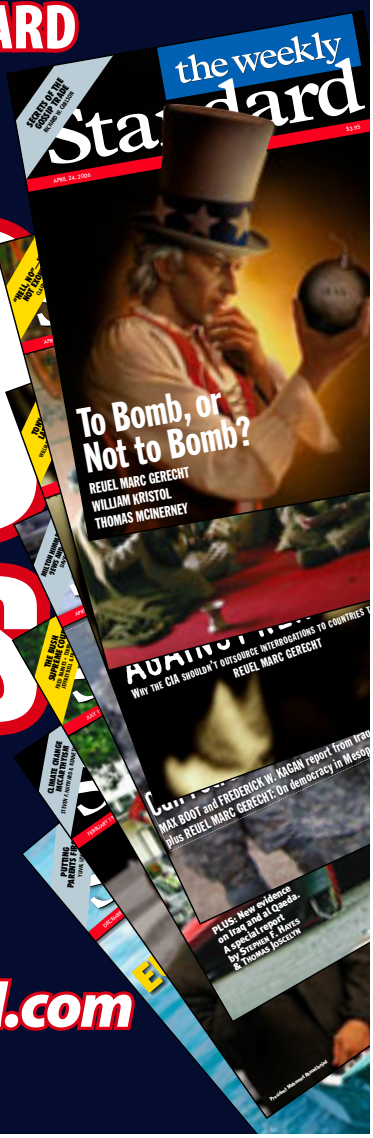

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BY **P.J. O'ROURKE**

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Now back to "What If Writing Were Like TV?" with P.J. O'Rourke.

I'm P.J. O'Rourke. Welcome to our sentence. What if writing were like TV? Check our wireless notecast to read more of me utilizing the subjunctive mood.[1] My guest plagiarism in this paragraph is of world-famous media critic Marshall McLuhan. What if writing were more like TV? My thoughts on the subject—I said TV would make the world a global village; I didn't say the villagers would like each other.

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P.J. O'Rourke, a contributing editor to THE WEEKLY STANDARD, *is the author, most recently, of* Driving Like Crazy.

[1]The subjunctive mood is indicative of a supposition contrary to fact. If that *were* what you liked, you'd have switched columns by now and would be reading Paul Krugman.

HAL MAYFORTH

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basement home office audience today. Where are you from, young lady?

"I live here, Dad."

And you, sir?

"I'm the plumber. Better move your hard drive, Bub. You got a leaky pipe right over your mouse pad."

A big thanks to you all. I'm going to throw the postal routes open now. Send us a letter, and let us know what you think about this vital issue—What if writing were like TV! Or you can postcard us at:

P.J. O'Rourke
c/o The Weekly Standard
Dept. PJ
Washington, DC
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Let's go to the envelopes. Hey, Honey, are you up in the kitchen? Huh? Yeah, Honey, would you go out in the front hall and check the mail slot? I know you're busy. Well, just turn the burner down on the mac and cheese. Okay, okay. I'll scrub it out if it sticks to the pot.

Sorry for the technical difficulties, folks.

What's that, Honey? The mailman didn't come yet?

The mailman didn't come yet. Also this article isn't finished, so it hasn't been published, so you aren't reading it yet. This is a new feature we call "Print TiVo."

But I just want to emphasize that you readers are making some really important, really insightful points about the critical issue of What If Writing Were Like TV. Because sometimes there's nothing as eloquent as silence. And ditto for a blank computer screen. Damn that pipe leak. My Macintosh is soaked and so is my dial-up connection and my dot-matrix printer too. Looks like we're out of keystrokes for this essay. Be sure to peruse next week, same typeface, same Indo-European language.

Coming up: "What If Writing Were Like a Blog?" with Matt Labash wearing boxer shorts and a Lamar Alexander for President T-shirt while making meaningless scribbling motions in thin air! ♦

The Triumph of Crony Capitalism

Want to get ahead in business? Make friends in Washington. by Fred Barnes

First President Bush, then President Obama poured billions into General Motors and Chrysler to keep the companies alive but barely breathing. That was just for starters. Next came Obama's creation of an Auto Task Force to oversee the auto companies. To head the task force, the president picked Steve Rattner, a Wall Street investor with no experience in automaking but lots in raising campaign money for Obama and Democrats.

GM and Chrysler were quickly restructured, mostly to the benefit of the United Auto Workers, the union which spent millions in 2008 to elect Obama and Democrats. The UAW now owns 17.5 percent of GM and 55 percent of Chrysler—quite a return on an investment of zero dollars. Obama said all parties should "sacrifice," but only bondholders did. They got a fraction of what they were legally entitled to receive. UAW retirees, in contrast, got a gift of $9.5 billion at GM and $14.2 billion at Chrysler.

There's an epilogue. Delphi, the auto parts manufacturer once owned by GM and still its biggest supplier, has been in bankruptcy for four years. To acquire its assets and run the company, Delphi and Obama's Auto Task Force picked an affiliate of the private equity firm Platinum Equity. There was no auction or competitive bidding, though Platinum stands to make millions in the deal. Why Platinum? The UAW favored it, sources said.

There's a name for all this: crony capitalism. Obama insists he believes in capitalism, but it's not the free market variety that he's been promoting since he became president. Obamanomics is a different strain entirely.

Crony capitalism is usually identified with Third World despots, like Hugo Chávez, who reward their friends and allies in the business and financial communities. Some might be appointed to top government jobs, as Rattner was. But the chief characteristic of crony capitalism is favoritism for some companies or organizations (unions, for example)—in loans, grants, giveaways, and specific policies.

There's another aspect. Obama isn't merely rewarding a few cronies, he's seeking more and more favored groups to reward. One way he's doing this is through his energy, health care, and other policies, which would boost certain companies and industries over others. Another way is by providing cheap capital, which gives firms an advantage over competitors who must acquire capital at higher interest rates in private markets. The Federal Reserve, along with Obama's Treasury Department, plays a big role here.

The effect of Obama's approach to business has been enormous. In less than six months, he's changed the relationship between the private sector and Washington. Companies increasingly "compete for government favoritism, not for consumer choice or preferences," says Republican representative Paul Ryan of Wisconsin.

"Members of Congress are being besieged with calls from businesses who have an expectation of getting a check from Washington," Ryan says. "The business mindset is, if the government is going to pick winners and losers, I want to be a winner. What it means is all roads lead to Washington."

Fred Barnes is executive editor of The Weekly Standard.

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Barack Obama campaigns at a United Auto Workers' union hall in Indianapolis, November 4, 2008

EMMANUEL DUNAND / AFP / GETTY IMAGES

Crony capitalism is a two-way street. Obama gains politically from it. His administration has guaranteed $306 billion in toxic assets (mostly subprime mortgages) held by Citigroup and taken a 34 percent ownership stake in the giant investment bank. In return, Citigroup lobbied Congress to give judges "cramdown" authority, the power to alter the terms of housing contracts. The legislation was defeated.

Obama has been adept at enlisting companies likely to profit from his policies at the expense of their competitors. In a letter to the president last week, Walmart announced support for requiring all companies to provide health insurance for employees, a key element of the president's health care initiative. Walmart, the nation's largest private employer, has an interest in an employer mandate, since its smaller rivals would have far more trouble complying.

Besides subsidizing the UAW, Obama has exploited his takeover of GM to reward at least one liberal special interest, the environmental lobby. The Auto Task Force decided GM should produce a class B, Yugo-like car in the United States (instead of China as previously planned), an auto tentatively dubbed Spark. GM has little expertise in manufacturing a cheap, lightweight, low mileage car of this class, nor is there an obvious market for it.

It's cap and trade, the core of Obama's energy policy, that offers the biggest opportunity for crony capitalism and for dividing and conquering the business community. Indeed the bill approved by the House would unleash a plethora of government favors for carefully chosen recipients. While setting a limit on overall carbon emissions, the measure would let the Obama administration hand out 85 percent of the emission allowances or credits. Fifteen percent would be auctioned.

Who would benefit? The biggest chunk, 44 percent of the free allowances, would go to the electric power industry, which is a major supporter of the legislation. Those in the business of energy efficiency or renewable energy would be apportioned 9.5 percent. Another 5 percent would be allotted to firms seeking reduced "deforestation."

The recipients of these free allowances would be able to use or sell them. And it would be a seller's market. Domestic oil refiners, for instance, would be desperate for allowances. If the bill passes the Senate, the refiners will get just 2.5 percent of the free emission credits, though they emit many times that in greenhouse gases. Like GM and Chrysler's creditors, they're out of favor with Obama and will be penalized.

Crony capitalism may have its limits, but no thanks to Obama. Cap and trade may not pass the Senate. And the sweetheart deal arranged by the Auto Task Force that would have turned Delphi over to a well-connected private equity firm was nullified by a skeptical federal judge. The deal would have left bondholders, who've financed Delphi during its bankruptcy, with as little as 20 percent of their investment. Most of Delphi's fresh financing would have come from GM, thus from taxpayers.

The judge, Robert Drain, balked at the cozy arrangement. "I don't understand what's so special about Platinum," he said. "… As far as I'm concerned they're just guys in suits, and there are other guys in suits who might be able to pay more." The judge ordered an auction—that is, free market competition for Delphi. To put it another way, the opposite of crony capitalism. ♦

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Bibi's Choice

Israel approaches a moment of decision on Iran's nuclear threat

By Peter Berkowitz

Tel Aviv

Don't be misled by how little was said about Iran in the major speeches recently delivered by President Barack Obama at Cairo University and Israeli prime minister Benjamin Netanyahu at Bar-Ilan University. And don't suppose, either, that the popular upheaval precipitated by Iran's rigged presidential election, assuming it falls short of ending the mullahs' 30-year tyranny, will fundamentally alter regional politics. The central question for Middle East politics is still what to do about Iran's illegal pursuit of nuclear weapons.

Nor is this a regional matter only. Iran's determination to acquire nuclear weapons, the better to spread Islamic revolution, affects the vital national security interests not only of Israel, Arab states in and beyond the Gulf, and Turkey, but also of the United States, Europe, Russia, and indeed countries around the world that depend on stability in the international political and economic order, which is to say virtually all.

In his address to the Muslim world, President Obama identified six sources of tension between the United States and Islam. Number three was "our shared interest in the rights and responsibilities of nations on nuclear weapons." On the campaign trail and in the presidential debates, Obama unequivocally opposed Iran's acquisition of nuclear weapons. But in Cairo in late May, on his carefully constructed global stage, Obama hedged.

On the one hand, he maintained that it was crucial to begin talks with Iran without preconditions because of the importance of "preventing a nuclear arms race in the Middle East that could lead this region and the world down a hugely dangerous path." He "strongly reaffirmed America's commitment to seek a world in which no nations hold nuclear weapons." And he expressed the hope that nations that were pursuing their "right to access to peaceful nuclear power" would not abuse it by violating their "responsibilities under the nuclear Non-Proliferation Treaty." On the other hand, and watering down candidate Obama's promise to "keep the threat of military action on the table to defend our security and our ally Israel," he opined that "no single nation should pick and choose which nations hold nuclear weapons." And he offered no reason to believe that the United States had any levers at its disposal other than talk to influence Iran's decision. All in all, it would have been hard to project to a rapt world greater equivocation concerning Iran's quest for nuclear weapons if the president had deliberately concentrated his vaunted rhetorical gifts on the task.

To be sure, in his own speech in mid-June, Prime Minister Netanyahu also trod lightly on the subject of Iran. But that was because he needed to respond to Obama's flawed Cairo statement that Israel's legitimacy flows from the suffering of the Jewish people in the Holocaust and the president's erroneous suggestion that the key to peace in the Middle East is Israel's cessation of building in existing Israeli communities beyond the Green Line. Without mentioning the president or his speech, Netanyahu stressed that the Jewish people's historic connection to the land of Israel extends back 3,500 years. And by affirming that Palestinians should have a state of their own, Netanyahu took another step on the path he himself blazed in 1998 by signing the Wye Accords and turning over Hebron to the Palestinians, a path on which he was subsequently joined by Prime Ministers Sharon and Olmert and which has led significant segments of the Israeli right away from the commitment to ruling over the West Bank forever. The settlements certainly are an issue. But from Netanyahu's point of view—and that of a majority of Israelis—the chief obstacles to peace are Hamas's Iran-sponsored terrorism, Palestinian Authority political dysfunction, and the refusal of Arab rulers around the region to provide the Palestinians financial support and political leadership.

Though devoting only one paragraph to it at Bar-Ilan, Netanyahu declared that "the Iranian threat still is before us in full force." And he proclaimed that "the greatest danger to Israel, to the Middle East, and to all of humanity, is the encounter between extremist Islam and nuclear weapons." Although he did not elaborate Israel's plan of action,

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he said nothing to retreat from his well-known position that Iran must not be allowed to acquire nuclear weapons, stated that he had discussed Iran with Obama, would take it up the following week with Europeans, and had been "working tirelessly for many years to form an international front against Iran arming itself with nuclear armaments."

Meanwhile, for many onlookers in the United States and elsewhere, the popular uprising in Iran has encouraged the hope that internal reform might dispose of the menace posed by the mullahs. Unfortunately, as much as the leader of the Iranian opposition, former Prime Minister Mir-Hussein Mousavi, may have been radicalized by Tehran's election fraud, the people's protests, and the government's violent crackdown, and as much as these dramatic events may have opened up a rift not merely between the people and the regime but within the regime, Mousavi is still a child of the Islamic Revolution and a creature of the establishment and remains unlikely anytime soon to lead a revolutionary overthrow of either. Yet with thousands of centrifuges spinning away to produce highly enriched uranium, and, on an entirely separate track, its development of technology for the production of plutonium proceeding apace, Iran gets closer with every day to owning nuclear weapons.

The moment Iran announces its possession of nuclear weapons, its neighbors, starting with Saudi Arabia, will go shopping for their own.

Given the dangerousness of the neighborhood in which they live and the immediacy of the threat, it is no surprise that for Israelis Iran's pursuit of nuclear weapons remains front and center. Ordinary citizens regard a nuclear-armed Iran as a game changer, the greatest threat they have ever faced. In previous decades, no matter how grim their circumstances, Israelis could console themselves that they had an ace in the hole. They counted on their sizable stockpile of nuclear weapons—never officially declared though never officially denied and not subject to the slightest doubt among Israelis—to create a line in the sand beyond which no enemy would dare venture. A nuclear Iran, they now reasonably fear, would nullify this enormous technological advantage and would embolden Hezbollah, Hamas, and the array of other transnational Islamist terrorist networks beginning with the Muslim Brotherhood and Islamic Jihad that proliferate in the Middle East.

Conversations over the last few weeks with more than a dozen members of Israel's larger national security community—right and left, scholars and military men and women, some coming out of the army and others the air force, some with decades of experience in military intelligence and others in clandestine operations, some former Knesset members and others former, current, and soon-to-be advisers to prime ministers—suggest it is fair to conclude that the professionals agree with the public that Iran's acquisition of nuclear weapons is a game changer. Among them, there is a consensus that Israel has the technological capacity to undertake a military strike that would inflict heavy damage on Iran's nuclear program. Such a strike, they also believe, would involve unprecedented challenges and risks, including the likelihood of a significant military response by Iran and its allies. Accordingly, an urgent internal debate is well underway in Israel concerning the circumstances in which the country should strike, alternative options, and, in the event that Iran does acquire nuclear weapons, the structure of an effective containment regime.

Israel being Israel, for every three experts you talk to on any particular issue you will hear at least four aggressively argued opinions. Nevertheless, a fairly consistent picture emerges, if not of a single proper Iran policy, then of the constellation of factors that Israel must consider in forming one.

Most countries are reluctant to discuss the details of their offensive capabilities because they don't want to provide useful information to their enemies. Israel is no different. Nonetheless, the experts with whom I spoke were willing to discuss in broad outline Israel's capacity to destroy or substantially degrade Iran's nuclear facilities. All would be delighted to see engagement, diplomacy, or sanctions succeed. All emphasized that a military strike must be the last resort, chosen only after every other option has been fully exploited. All believe that a green light from the United States, or at least a yellow light, would be indispensable. And they seem convinced that Israel has good intelligence about vital Iranian targets and could, if necessary, with a combination of aircraft and ballistic missiles, bring enough firepower to bear to set the Iranian program back far enough to justify the substantial risks.

Certainly this is the view, in broad outline, of Isaac Ben-Israel, and he should know. After graduating from high school in 1967, he joined the Israeli Air Force and served for more than 35 years. Now a Tel Aviv University professor teaching strategic studies and the history and philosophy of science, Ben-Israel helped plan the attack in 1981 on Iraq's Osirak nuclear reactor, rose to the rank of major general, holding positions as head of the operations research branch of the air force and as head of research

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and development in the Israel Defense Forces and the ministry of defense, and served in the Knesset as a member of the centrist Kadima party. He continues to advise defense industries in Israel and abroad about technological and strategic issues.

Ben-Israel went so far as to characterize as "very reasonable" Center for Strategic and International Studies scholars Abdullah Toukan and Anthony H. Cordesman's "Study on a Possible Israeli Strike on Iran's Nuclear Development Facilities" published in March. Relying on open source intelligence, Toukan and Cordesman analyze in formidable technical detail Iranian nuclear targets, Israeli mission capabilities, Iranian defenses, Israeli defenses, and the military and political consequences of an Israeli attack. They conclude that an Israeli strike force would involve about 80 F-15s and F-16s (almost a fifth of their fighter aircraft); all 9 Israeli aerial tankers to refuel the fighters on their way to and from Iran; a likely flight route north over the Mediterranean, then east along the Syria-Turkey border, crossing briefly over Iraq, before heading into Iran. The strike would probably concentrate on three "critical nodes in Iran's nuclear infrastructure": the Natanz uranium enrichment facility, the Esfahan nuclear research center and uranium conversion facility, and the Arak heavy water plant and future plutonium production reactors. The authors stress that the mission would be complex, high-risk, and without solid assurance of success.

Another possibility is that Israel could attack Natanz, Esfahan, and Arak with approximately 50 Jericho III land-based long range ballistic missiles. This option has received relatively little attention even though, as Toukan and Cordesman point out, it may be "much more feasible than using combat aircraft" and certainly poses less risk to Israeli pilots and hardware. Still another possibility for attacking Iranian nuclear targets, though not discussed by Toukan and Cordesman, is some combination of combat aircraft and Jericho III missiles.

Even on the heroic assumption that the attack went exactly as planned, Israelis evaded Iranian air defenses and kept their losses to a minimum, and Iran's nuclear program was set back substantially, Israel would face considerable costs, both military and political.

The military costs might be serious but would be manageable, Israeli experts believe. They envisage six possible responses to an Israeli attack.

First, Iran, lacking a capable air force, might launch Shahab-3 long range ballistic missiles at Israeli cities and probably at Dimona, Israel's nuclear facility in the Negev. Israeli experts are confident that their Arrow anti-ballistic missile defense system, which has performed superbly in tests, would destroy most incoming Iranian missiles. Those that got through would have no more explosive power than Iraq's 1991 Scud missiles, which killed only one Israeli and did little damage to infrastructure. Missiles tipped with biological or chemical weapons are a different story and would provoke a massive and remorseless Israeli response.

Israeli F-16s over Tel Aviv in May

NEWSCOM

At the same time, it is by no means certain that Iran would launch a retaliatory missile strike. Some Israeli experts believe that Israel's capacity to attack decisively nonnuclear Iranian targets, including the power grid and oil refineries, might deter Iran.

Second, Iran might order Hezbollah into action. Since the 2006 Lebanon war, in which Israel killed one third of Hezbollah's fighters, that group has rearmed and upgraded. It has enlarged its arsenal of rockets and missiles from about 12,000 at the outset of hostilities in July 2006 (4,000 of which Hezbollah fired at Israel that summer) to roughly 40,000. In sufficient quantities, these can cause suffering in Israel. But in determining whether to attack, Hezbollah

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might take into account that Israel learned lessons from 2006 and that, in anticipation of another round of fighting, it has prepared to deliver a knockout blow.

Third, Iran might demand that Syria attack Israel. But given that Syria's conventional forces are no match for Israel's and that it did not respond militarily when Israel destroyed its partly constructed nuclear facility at Deir al-Zour in 2007, there is a good chance that Syria will decline to get involved.

Fourth, Iran might order terrorist cells around the world to attack synagogues, Israeli embassies, and similar targets. This would have the disadvantage for Iran of shifting the focus of international attention from Israel's preemptive air strike to Iran's criminality.

Fifth, Iran might attack American targets in Iraq and foment unrest among Iraqi Shia. This too might backfire, both because it would bring America into the fight and because the community of interests between Arab Iraqi Shia and Persian Iranian Shia is limited.

Sixth, Iran might attack Persian Gulf shipping. But the fragile Iranian economy is at least as reliant as that of any Gulf country on the free flow of oil. And American firepower would end Iran's ability to threaten shipping within days.

A Shabab-3 test firing near Qom, Iran, in 2006

AFP/ GETTY IMAGES

The political costs could prove greater for Israel. Whether an Israeli military attack failed or succeeded, and particularly if it succeeded, Iran and the forces of radical Islam around the world would vehemently argue that Israel's unprovoked aggression provided irrefutable proof that nuclear weapons are critical for Iran and for radical Islam, if only for purely defensive purposes. Europeans, moreover, would ramp up their condemnatory rhetoric, proclaiming Israel the paramount threat to international order and demanding that Israel, which took it upon itself to disarm Iran, itself submit to international inspections of its nuclear facilities.

Toukan and Cordesman stumble in asserting that Israel would pay a heavy cost among Arab states. It's true, as they write, that Arab states "will not condone any attack on Iran." Indeed, the Gulf Arabs would probably condemn Israel harshly. Egypt might mobilize troops and send some into the Sinai. And all Arab states would join the rest of the world in calling for the imposition of international sanctions. But that would be for popular consumption. Israeli experts are as convinced as they are of anything that behind closed doors, Sunni Arab rulers would breathe a huge sigh of relief at the destruction of what they regard as the principal strategic threat to their security, a nuclear armed Shiite Iran seeking hegemony in the Gulf and exporting Shiite-style Islamic revolution around the world.

Still, after the costs and benefits are weighed and the enigmas and imponderables are given their due, the Israeli experts come back to where they begin: Only after every other option has been exhausted should a military strike be launched. No one else went as far as former Mossad head Efraim Halevy, who warned that an Israeli attack would "change the whole configuration of the Middle East," producing "a chasm between Israel and the rest of the region" that would have "effects that would last 100 years." By far the dominant view in Israel is the view espoused by John McCain: The only thing worse than the consequences of an attack on Iranian nuclear facilities would be the consequences of a nuclear Iran.

Short of a full-scale military strike, Israel also has a clandestine option involving the use of unmanned aerial vehicles, sabotage of Iranian facilities, and targeted killings. Nor would this represent a new policy. As Ben-Israel, choosing his words carefully, pointed out, Israeli national security experts have been warning that Iran was 5 years away from producing a nuclear weapon for the last 20.

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Why do you suppose, he asked, it has taken Iran so long? After all, he observed, 60 years ago in the middle of World War II, it took the United States only a few years to produce the first atomic bomb, and no country that has set its mind to it has taken more than 5 to 10 years. Leaving me to draw the proper inference, Ben-Israel emphasized that clandestine operations can delay but will not destroy Iran's nuclear program. And the experts agree that time is running out: Absent dramatic action—by the United States, the international community, Israel, or some combination—Iran is on track to join the nuclear club sometime between 2011 and 2014.

For a variety of reasons—President Obama's attempt to engage Iran may prove futile, the international community may be unable to maintain effective sanctions, the mullahs may hang on to power, an Israeli attack might fail, Israel might elect not to attack Iran—Israelis are compelled to contemplate the structure of an effective containment regime. The challenges are immense. Realists argue that containment based upon the doctrine of mutual assured destruction worked for the 40-year Cold War and will work in the Middle East. But they overlook that in the Cuban missile crisis in 1962 it almost failed.

The realists also rely on a facile analogy. The distinctive variables that Iran and the Middle East add to the mix cast grave doubts on any easy application of Cold War logic. Iran speaks explicitly about wiping out Israel; the Soviet Union never so spoke about the United States. Iran is inspired by a religious faith that celebrates martyrdom and contemplates apocalypse; the Soviet Union was driven by a secular ideology that sought satisfaction in this world. And Iran has no dialogue with Israel; the Soviet Union maintained constant communication with the United States.

These complicating factors make it all the more imperative for Israel, if it wants to construct a successful containment regime, to convey to Iran that it has a devastating second strike capability and is prepared to use it. In addition, it would be useful from the Israeli point of view if the United States were to make Iran understand that America would treat an attack on Israel as an attack on it. And it would provide greater assurance still if Russia were to deliver a similar message.

But because, as Ben-Israel observed, "a guarantee from another nation is not a reliable deterrence policy," the critical element in a successful containment regime would be Israel's own unambiguous and compelling promise of swift and devastating retaliation. The mullahs may reasonably think that if they detonate a bomb over Tel Aviv while possessing nuclear-tipped missiles that can reach London, the Americans might hesitate to attack Iran on Israel's behalf. Therefore, should Iran obtain the bomb, an effective Israeli deterrent, according to Ben-Israel, would require Israel to demonstrate publicly its ability to inflict catastrophic damage on Iran and at the same time remove any doubt about Israel's willingness, in the event of a first strike by Iran, to do so.

But deterring an attack by nuclear-tipped Iranian missiles is only the beginning of the challenges that a containment regime would face. What would be a proportional response if the Iranians or their Hezbollah fighters slipped a small boat within a mile of Haifa and detonated a small nuclear device killing 10,000 Israelis?

And how ought Israel respond to—and containment work against—the myriad other dangers spawned by a nuclear Iran? The moment that Iran announces its possession of nuclear weapons, Saudi Arabia, the United Arab Emirates, and perhaps Kuwait, taking to heart Iran's declared hostility to Sunni Islam and determination to obtain hegemony in the Gulf, will go shopping for their own. Egypt and Turkey will not be far behind. As if a nuclear-armed Pakistan were not worry enough, the vulnerability of these regimes to overthrow by the forces of radical Islam heightens the possibility of the world's most dangerous weapons falling into the hands of many of the world's most dangerous actors.

Furthermore, once the Middle East went polynuclear, it would be only a matter of time until a suitcase nuclear bomb fell, leaked, or was placed into terrorists' hands. Even before that, radical Islamists throughout the Middle East—particularly Hezbollah and Hamas—would receive a tremendous psychological boost from a nuclear Iran and be emboldened by their patron's nuclear umbrella. A nuclear Iran would further undermine the chance for peace between Israel and the Palestinians and Israel and Syria by tempting waverers in the region, those who had begun to abandon the idea that Israel might someday disappear, to once again contemplate an Israel-free Middle East.

In sum, containment is a grim option. So is a military strike on Iran's nuclear facilities. And relying on prayer for Mousavi and the Iranian people to overthrow the mullahs is no option at all, at least not for the state of Israel, the front line in Islamic radicalism's war against the West. Thus, in the short time left before Israel is compelled by an Iran fast closing in on a nuclear capability to choose between two grim options, Israel's highest priority will be to persuade an equivocating United States, a dithering Europe, and an obstructionist Russia that a nuclear Iran is not just an Israeli problem or a Middle Eastern problem but a problem for the United States and the world. ♦

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To Board or Not to Board?

That is a question to be decided in Washington, not by the U.N. Security Council

By Jeremy Rabkin & Mario Loyola

For more than a week now, U.S. warships have been tailing a North Korean vessel suspected of carrying illegal weapons while it sails round in circles off the coast of China. The latest U.N. Security Council resolution on North Korea (RES. 1874) has proved to be nothing to laugh at, and may well have led Burma—the ship's supposed destination—to revoke its invitation for a North Korean port call. That, in turn, may soon compel Pyongyang to bring the vessel back to home port.

Resolution 1874 allows our navy to board North Korean ships, but only if North Korea agrees, which is not very likely. A ship, though, in effect consents to inspection when it requests permission to dock in a foreign port, and the resolution directs host countries to inspect any vessels suspected of carrying illegal North Korean weapons and to deny them fuel and water until the grounds for suspicion are dispelled. That is new, and it could well have created a serious problem for North Korea. After many days heading south, the vessel is now—very slowly—heading back north again, and may soon run out of fuel. So far, so good.

What's not so good is the ubiquity, in reports and official statements, of arguably the most unfortunate word in the lexicon of American diplomacy: "authorization." In order to secure support for the resolution, Susan Rice, the new U.S. ambassador to the United Nations, agreed that it would not "authorize the use of force" to interdict any suspect North Korean vessel. The implication is that without the Security Council's authorization, forcible interdiction would be illegal.

Jeremy Rabkin is a professor of law at George Mason University and the author of Law Without Nations? *Mario Loyola, a fellow at the Foundation for the Defense of Democracies, is a former adviser in the U.S. Senate and at the Pentagon.*

If you don't see how that can be a problem, just remember what happened in 2003 when we promised Tony Blair that we would seek a "second resolution authorizing force" against Iraq and then followed him straight into an ambush in the Security Council. It hardly mattered that according to the State Department, force was already authorized and a second resolution would only be icing on the cake. We agreed to seek authorization, failed to get it, and then invaded anyway. It was a diplomatic disaster, with strategic consequences that are still being felt.

The United States does have good reason to hesitate before interfering with foreign ships on the high seas. In the earliest years of the American nation, vindicating "freedom of the seas" was the highest priority of our foreign policy, considered even more pressing than the final definition of our borders. Now, as we are trying to make it as difficult as possible for North Korea to navigate freely in the "global commons," international compliance with the sanctions regime could fall apart if the United States is not the first to uphold the freedom of the seas.

But that does not mean we should give up the rights we actually have, especially not that of self-defense.

Consider the Cuban Missile Crisis. When it was discovered that the Soviets were setting up nuclear missiles in Cuba, President Kennedy ordered a "quarantine" of the island, requiring all ships sailing in waters around Cuba to submit to U.S. naval inspection or leave the area. Kennedy's threat to use force against Soviet warships violating the quarantine was probably the closest the world ever came to nuclear war.

But such a naval blockade had not been "authorized" by the Security Council. The *American Journal of International Law* published a commentary at the time ("on behalf of the board of editors") arguing that the quarantine was contrary to international law as it had not been "authorized" by the Security Council. Kennedy would have none of it. "We, of course, keep to ourselves and hold to ourselves," he said at a press conference, "under the United

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On the sea to Mandalay: the North Korean merchant vessel 'Kang Nam.'

REUTERS / PAUL YEUNG

States Constitution, and under the laws of international law, the right to defend our security."

The U.N. Charter was adopted at the San Francisco Conference of 1945, in which the 50 victors of World War II took up a draft treaty devised mainly by the Russians, British, and Americans the year before. As proposed in that draft, the key prohibition on the use of force required states to "refrain in their international relations from the threat or use of force . . . in any manner inconsistent with the Purposes of the United Nations"—purposes which included "the prevention and removal of threats to the peace."

But at the conference, a poorly worded amendment to the prohibition opened the door for future generations of international law scholars to argue that any use of force not specifically sanctioned by the charter would require Security Council authorization. In the form finally adopted as Article 2(4) of the charter, member states agreed "to refrain from the threat or use of force against *the territorial integrity or political independence of* any state, *or* in any *other* manner inconsistent with the Purposes of the United Nations" (our italics tracking the changes). If one thinks any exercise of force threatens the "political independence" of the state at which it is directed, one might read this as a complete prohibition on any and all uses of force—as some commentators have argued ever since. The charter would blur the distinction between legitimate and illegitimate uses of force.

After the new wording was accepted, certain conference delegates insisted on a new clause to make clear that states would still have a right of self-defense. Other delegates objected that this was pointless and silly, that self-defense was an inherent right which could not be impaired by treaty, and that a clarification could do more harm than good. What emerged from the confusion over Article 2(4) was the incoherent Article 51, which enshrines "the inherent right" of self-defense, but only "if an armed attack occurs." There is a lot of disagreement about the meaning of Article 51, but everyone seems to agree that it cannot mean what it actually says. Even Kofi Annan reads into Article 51 the right to preempt an "imminent" attack.

The wording of the charter has made the right of self-defense a rich subject for legal scholars. In the real world, however, the pattern of state practice since 1945 suggests that the inherent right of self-defense remains what it always was: Self-defense is justified when it is necessary

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and when the action taken is proportional to the need. The blockade of Cuba during the Missile Crisis, like the subsequent U.S. military interventions in Grenada, Panama, and Serbia, were all actions taken without Security Council authorization, on the basis of legal positions that boiled down to necessity and proportionality. In his 2008 AIPAC speech, even Senator Obama unequivocally endorsed Israel's 2007 strike on a nascent Syrian nuclear reactor, an act of preemptive self-defense where no attack was "imminent," but which was clearly both necessary and proportional.

Under the terms of the U.N. Charter, the Security Council can command and can prohibit, and its pronouncements must be obeyed. But the charter does not assign responsibility to the council to "authorize" states to do things. Is it really plausible that Churchill, Stalin, and Truman meant to commit their nations to passivity in the face of serious threats until they had permission from the Security Council to act against them? Is it plausible to think that Russia or China would seek permission—and subject itself to our considered or ill-considered judgment on its proposed actions—in matters it judged vital to its own security? It would be a fantasy to think so. Saddam Hussein had a similar fantasy in 2003—imagining that French actions at the United Nations could save him. It can't be good for anyone to encourage similar fantasies in Pyongyang today.

It may not be prudent to board North Korean vessels right now, but it is dangerous to give the impression that we don't have the right to do so.

The Security Council is valuable chiefly as a tool for building political coalitions. When North Korea invaded the South in 1950, the council "recommended" that states come to its defense and that they put their forces under U.S. command. It "authorized" those forces to fly the U.N. flag. It didn't "authorize" anyone to use force because no "authorization" was needed: The defense of South Korea was indisputably legal even according to the most outlandishly restrictive interpretation of Article 51.

The first time that the council actually "authorized" the use of force was with Resolution 678—the Gulf War resolution of 1990—in which it "authorized" all necessary means to expel Saddam from Kuwait. The defense of Kuwait was every bit as legal as the defense of South Korea 40 years earlier. The George H.W. Bush administration needed the resolution not for legal reasons, but for purely political ones—it needed Congress and the Russians to be on board, and the council resolution was both cover and cudgel.

The administration chose "authorize" as a weaker version of "recommend" or "call upon" without meaning to imply that the United States needed any resolution under international law. Yet only 12 years later, some of our own allies claimed that we needed Security Council authorization in order to enforce the original Gulf war resolutions. If the council had just "recommended" or even "called upon" states to help liberate Kuwait, the resolution would have served its political purpose without any adverse implications under international law. But the precedent was set, and so were the terms of many future debates about our diplomacy.

What if we had evidence that a North Korean ship might be carrying nuclear materials to Iran? It is difficult to believe that Obama would wait on council authorization in a situation that clearly demanded immediate action. The Obama administration contains its share of hawks and has given clear signs that all options remain on the table for the defense of our vital interests. But if he's smart President Obama will also leave plenty of room between the rights he claims and the decisions he eventually takes.

It may not be prudent to board North Korean vessels right now, but it is dangerous to give the impression that we don't have the right to do so. It's dangerous because it erects an unreasonable standard of "lawful" conduct which we may well have to violate another day and because it encourages states like North Korea to think that they can do as they please on the high seas.

North Korea has already inflicted enormous damage on the nonproliferation regime; the cancer of nuclear proliferation among rogue regimes has already begun to metastasize because of North Korea's nuclear breakout after 1994. Coming from a criminal regime, which has declared itself to be once again at war with the United States, the illegal weapons or nuclear materials aboard any of those vessels could constitute a proliferation risk of such gravity as to make a forcible inspection of the contents both necessary and proportional.

When the intrinsic legality of an action taken in self-defense is manifest, its legitimacy cannot depend on political endorsement from the Security Council. Those who suggest otherwise are advocating not for international law, but for world government. The job of the U.S. mission to the United Nations is to vindicate the sovereign rights of the United States, not transfer them to an undemocratic and unaccountable international organization. The Security Council needs to get out of the business of authorizing us to do things that we already have the right to do. ♦

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Odds of a child becoming a quarterback in the NFL: 1 in 100,000

Odds of a child being diagnosed with autism: 1 in 150

Some signs to look for:

No big smiles or other joyful expressions by 6 months. | No babbling by 12 months. | No words by 16 months.

To learn more of the signs of autism, visit autismspeaks.org

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Rebel With a Cause

Margaret Thatcher, revolutionary

BY JOHN O'SULLIVAN

The Iron Lady in Bermuda, 1990

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Where does the reputation of Margaret Thatcher stand 30 years after she entered Downing Street? Does it matter? And if so, why? These questions invite a complicated answer. The market in reputations is even more volatile than the market in corporations. It has a heavy bias towards short selling. And in the last year fluctuations in the financial market have stimulated equally dizzying zig-zags in blue-chip guru stocks—Alan Greenspan, Gordon Brown, Robert Rubin, almost any banker you care to name.

Until the middle of last year, Lady Thatcher's stock had been slowly on the rise. Her reputation had long been high outside Britain, especially so in the United States and Asia, but in recent years it had begun to climb in her native land as well.

Last year Morgan Stanley—are they still around?—gave Thatcher a "lifetime achievement award" while awarding the 2008 "Great Britons" prize to J.K. Rowling. (This is a practice borrowed from the Oscars to compensate iconic figures for not actually winning.) Most impressive of all, in a 2006 *New Statesman* competition in which the readers of the left's weekly bible nominated heroes of our time, she came fifth, admittedly behind Nelson Mandela (2) and Bob Geldof (3), but ahead of Noam Chomsky (7), the Dalai Lama (9), Mikhail Gorbachev (13), Fidel Castro (16), and Tony Blair, who was rather lagging at 18.

The *New Statesman*'s explanation was accurate but astounding: "When Margaret Thatcher was asked what she had changed about British politics, she answered, with uncharacteristic immodesty, 'Everything'—and it was true."

Finally catching up with this trend as the anniversary of the 1979 election approached, the BBC ran a series of teleplays on Thatcher's career—the first illustrating the young Margaret's "human" side, in which she flirted with a youngish Edward Heath. If this climax in the theater of embarrassment ever happened, I am only sorry I was not there to sell tickets, or even to buy them. No matter. Entitled "The Long Walk to Finchley," the teleplay is now available on DVD.

These are essentially eddies in the stream of popular culture, however. A more significant indicator of Thatcher's stature may be that, nearly 19 years after she left office, books on her ideas and her person continue to thud off the printing presses: popular biographies, serious biographies, economic analyses, histories of the period, Cold War memoirs, and lightly disguised doctoral theses.

These books favor or attack the former prime minister along broadly predictable lines—but interestingly, the lines, originally parallel, have recently begun to converge.

John O'Sullivan, a former special adviser to Prime Minister Margaret Thatcher, is the executive editor of Radio Free Europe/Radio Liberty and the author, most recently, of The President, the Pope, and the Prime Minister: Three Who Changed the World.

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Popular biographies and memoirs of friends tend to concentrate on Thatcher's personality and take the rightness of her politics for granted. Most of these show the decisive and energetic stateswoman of legend.

The memoir entitled *A Swim-on Part in the Goldfish Bowl* by her daughter Carol takes a different tack. It depicts both the everyday mother of earlier days and the lioness in winter. Both aspects of this portrait are affectionate and moving. Yet the passages showing Thatcher as forgetful and suffering the ravages of old age were those that hit the headlines—and they are far from the whole story. Lady Thatcher gads nightly about London to receptions and dinner parties, and though (on doctor's orders) she no longer makes speeches, she can still wield a sharp tongue in conversation.

A second category comprises books on the Cold War partnership between herself and Ronald Reagan. Given the outcome, these can hardly avoid being highly favorable. Considered as narrative, moreover, their partnership is a gripping and inspiring story. Geoffrey Smith's study, *Reagan and Thatcher*, set a high standard for the genre. Written in 1991, it remains a fine first draft of history rooted in painstaking research and well-placed sources. All later writers on this topic, myself very much included, are in his debt. Nicholas Wapshott is an admirer of both Reagan and Thatcher, but well "this side [of] idolatry." His *A Political Marriage* brings the story of their partnership up to date with newly declassified material from official archives, recent memoirs, and the diaries of Reagan and others.

Though I have my quibbles—Wapshott misses how the early determination of the Foreign Office to stay out of the Grenada crisis was the ultimate cause of the Reagan-Thatcher row—the overall result is briskly readable and, well, gripping and inspiring. It is also a political romance with a happy ending:

> Reagan and Thatcher did more than merely ride a wave of history; they provided clear leadership amid potential chaos . . . and escorted the world across the threshold of a new era.

A third category, books on the ideology of Thatcherism, divides broadly in half. If written by economists, such books have a better-than-even chance of being favorable; if written by political scientists or historians, they are usually hostile, reflecting a general anti-Thatcher animus in the academy. Thus, historian Richard Vinen's thorough and lively new study marks something of a departure. Though he leans to the left and disputes some key claims for Thatcherism, he reaches other conclusions that, once cleansed of paradox, Thatcher herself would be happy to take to a (solvent) bank:

> By the time she resigned, Soviet troops were pulling out of Eastern Europe, the National Union of Mineworkers was broken, and more than a million council houses had been sold. The problem for this unconsensual politician was that she had created a new consensus.

A final category is the serious full-dress biography. John Campbell's life, originally in two volumes, has now been pruned and reissued as a one-volume paperback. This book is indispensable to Thatcherologists, especially on the young Margaret, and though Campbell is disposed to be critical, he also strives mightily to be fair-minded. What emerges is a work that is sharply critical of Thatcherite policies but very sympathetic to the brave, principled, and usually embattled human being who was driving them forward.

My impression—it can be no more than that—is that Campbell ended up being less critical and more sympathetic as he went through the eight years of writing than he expected at the outset. In his final summing-up of the Thatcherite legacy, for instance, he anticipated Vinen in seeing Thatcher, like Reagan, as a statesman who had created a new political consensus that was then ratified by Tony Blair and New Labour. In addition, his sharpest criticisms may yet be revised by history—notably on Europe, where Campbell condemns her Euroskepticism but where he may be confounded by future chapters in our island story.

Not so incidentally, Campbell pays a generous, if barbed, tribute to an important competitor: namely Margaret Thatcher herself, the author of a two-volume memoir, *The Downing Street Years* and *The Path to Power*. Of the first volume he writes: "The book has its *longueurs*, but it is still by far the most comprehensive and readable of modern prime ministerial memoirs: partisan, of course, but generally a clear and vivid account of her side of the arguments."

Both halves of this tribute have force. The memoirs are a powerful presentation of the Thatcherite case—and one that is gaining traction as serious history in the academy. At the same time the qualification about *longueurs* is a fair one. For the sake of historical completeness a full prime ministerial memoir will necessarily include much material that is of little interest to the general reader. But since the full version has been published, and since the market in Thatcher memorabilia is clearly not exhausted, HarperCollins might want to consider imitating Campbell's publisher and putting out a one-volume abridgment.

There Is No Alternative
Why Margaret Thatcher Matters
by Claire Berlinski
Basic Books, 400 pp., $27.95

Ronald Reagan and Margaret Thatcher
A Political Marriage
by Nicholas Wapshott
Sentinel, 352 pp., $25.95

A Swim-on Part in the Goldfish Bowl
A Memoir
by Carol Thatcher
Headline Review, 320 pp., £18.99

Thatcher's Britain
The Politics and Social Upheaval of the Thatcher Era
by Richard Vinen
Simon & Schuster, 416 pp., £20

Margaret Thatcher
Grocer's Daughter to Iron Lady
by John Campbell
Vintage, 576 pp., £11.99

The Complete Public Statements of Margaret Thatcher 1945-1990
edited by Christopher Collins
Oxford, CD-ROM, £50

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Full disclosure seems required here: I was one of the small team that helped Lady Thatcher on the writing of her memoirs. Another member of it was the Oxford history don Christopher Collins who has since graduated to publishing a CD-ROM of all Thatcher's public papers—a "unique resource" as Campbell rightly says—and to editing the website of the Margaret Thatcher Foundation, www.margaretthatcher.org. The value of this work cannot be overstated. The website makes available, again uniquely, all the papers concerning Thatcher and the controversies of her times from her own files, from official records in Britain, the United States, and other countries, from presidential libraries, from memoirs, and from other sources as they become available. It makes research a diversion rather than a duty. All scholars of political history are greatly in the debt of the MT Foundation, and of Collins, in particular.

Of the making of books on Thatcher and Thatcherism, therefore, there is apparently no end. Taken together such books show the strengthening of Thatcher's reputation as time goes by. And this trend had been established well before the publication of two important books about Margaret Thatcher that are likely to be both authoritative and largely favorable. These are her official biography by the former *Daily Telegraph* editor Charles Moore and a study of her premiership by the historian and former aide Robin Harris, both timed to appear after her death.

Whether good or bad, therefore, Margaret Thatcher seems to be increasingly significant. But why?

Of the books mentioned here the one that sets out to answer that question most directly is Claire Berlinski's *There Is No Alternative: Why Margaret Thatcher Matters*. It is otherwise a book that is hard to classify: an odd, sprawling, scattershot exercise in contemporary political history by a young writer who was an unsympathetic Oxford undergraduate when her subject was defeating the miners and winning the Cold War.

In those days Berlinski would have scorned any suggestion that, 20 years later, she would admire Thatcher.

To explain the mystery of her own change of mind Berlinski revisits the main controversies of Thatcher's premiership by interrogating those involved on both sides of the argument. They include Thatcherite ministers such as Nigel Lawson, senior civil servants such as Charles Powell, advisers imported into government from the private sector such as John Hoskyns; but also critics of Thatcherism such as the opposition leader Neil Kinnock, an anti-monetarist Oxford don, Andrew Graham, and Linda Sheridan, a member of the small socialist party close to miners' leader Arthur Scargill (Arthur himself seems to have escaped Berlinski's attentions).

This is the *Rashomon* school of history, telling the same story from different standpoints. It is open to the usual objections to that method—glaring contradictions, unresolved disagreements, stories whose meaning you can change by changing the storytellers—but the result in this case is a fast-paced, highly readable, and fair-minded study in which Berlinski usually ends up settling disputes in Thatcher's favor after a spirited tussle with opposing views. Which means that her final judgments are that Margaret Thatcher substantially helped Ronald Reagan to win the Cold War, entrenched democracy by defeating the miners, made the British economy genuinely competitive, and so on.

These conclusions shore up Thatcher's reputation, but they explain why she mattered rather than why she *still* matters. If Thatcher still matters, it must be because she represents something significant in current politics. What? Given the combative nature of Thatcher's reputation, one obvious answer would be something to do with radical Islamism or the war on terror. But Berlinski rejects that pretty briskly: Was Thatcher, she asks, especially prescient about international affairs? No, she replies, because she failed to foresee the rise of Islamic radicalism; it simply wasn't a topic on the Downing Street of her day. Besides, she got the solution (the Iraq war) wrong.

This criticism goes too far. Thatcher was not a speculative historian but a practical statesman. She could hardly

Ronald Reagan and Margaret Thatcher at Camp David, 1984

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take time out from maneuvering the Soviet Union into voluntary liquidation in order to ponder what radical Islamists might do some years in the future. Winston Churchill, whose foresight Berlinski praises by way of comparison, helped Stalin reach the center of Europe in order to defeat Hitler. His Iron Curtain speech came one year after the Yalta settlement he helped shape.

Strategic threats impose their own priorities on statesmen. And whether or not we think toppling Saddam Hussein was a strategic mistake, Thatcher's rhetorical support for it 12 years after she left office tells us little about her likely calculations in power. She favored fighting the miners (and did so in 1985), but she backed off from a battle with them in 1981 because she thought she would lose it.

That said, Berlinski is right that Thatcher's stance on Iraq and terrorism is of no great contemporary relevance. She is barely associated with these questions in the public mind, in Britain or elsewhere. They emerged as serious threats only at the end of her premiership, or even later. Yet one of Thatcher's deepest beliefs and main achievements—her hostility towards, and defeat of, socialism—is suddenly both topical and contentious again. Though Berlinski was writing before the financial crisis got into full swing, she argues that socialism has been "buried prematurely," that it is "on the ascendant" in Latin America, "on the march" in Europe, is "the real message" of the antiglobalization movement, and that it would be "the fault line of the coming century" in politics, as it has been since the French Revolution. Thatcher's great historical significance was that she had "perceived these forces, and for a time mastered them."

Berlinski's argument is profound, correct, and—ahem—farsighted. But it is not wholly original.

Owen Harries theorized some years ago that Thatcher was seen by many people around the world, foes as well as friends, as being more important than Reagan in spreading the free market revolution, just as Reagan was more important in winning the Cold War. She had successfully transformed a far more socialist, and much weaker, economy. Her most distinctive contribution to the market revolution, namely privatization, was more widely imitated worldwide than any single element of Reaganomics. And she was a more intellectually persuasive advocate of market economics than Reagan because she had initially honed her arguments before a sophisticated and skeptical audience in her own country (and in her own party) in a political culture that greatly prizes debating. She had therefore become an international symbol of free market economics, "neoliberalism," and all the rest—and the system she symbolized had apparently just crashed.

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At first it seemed ominously likely that the global financial crisis would halt and reverse the Thatcher boomlet. There seemed to be more socialists emerging everywhere than even Berlinski had suggested. All sorts of people who were *not* socialists—the staff of the *Financial Times*, for instance—suddenly began predicting the end of capitalism. Many people of both sorts immediately decided to blame the financial crisis and its accompanying recession on Thatcher (and, of course, Reagan), whom they often distrusted on wider cultural or political grounds. And the cry went up internationally for an end to "deregulation."

What might be called "vulgar anti-deregulationism," however, suffered from a rather obvious error. As Nigel Lawson (one of Thatcher's two great finance ministers) has pointed out in *Standpoint*: "To declare oneself for or against regulation is as absurd as to declare oneself for or against law. It depends on what the regulations are and what they are about." Many of those who blamed the financial crisis on Thatcher's wider policies of deregulation were arguing, in effect, that since collateralized mortgage obligations had proved a bad thing, then market freedoms were bad across the board.

Thus, wages and prices should be controlled by state bodies and airline routes determined by a federal aviation board. Indeed, insofar as these critics sought a solution consistent with this "analysis," it could only be state regulation of *all* economic (and even non-economic) activity—which is to say, socialism.

Some critics did seem to be itching for such an absurd response. But this ran up against the fact that Thatcher's broad free-market policies were highly successful. Domestically, they had made Britain the world's fourth largest economy about a decade after she entered office (it has now slipped to sixth). Internationally, through the privatization revolution, reductions in trade barriers, and the power of example, they had lifted literally billions of Third World workers out of grinding poverty and into the world labor market.

No socialist "experiment" begins to compare with success on that scale, or with success at all. More regulated versions of capitalism have lower long-term rates of economic growth and job-creation, and all but a few fanatics soon bowed to this reality. But most critics stuck to a narrower theory that confined anti-deregulationism to financial markets. The most coherent exponent of this argument is George Soros, a successful financial speculator himself, whose theory of "market fundamentalism" places the blame for the financial crisis squarely on Thatcher.

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In an interview with *Der Spiegel* last year Soros declared: "Everything was based on self-regulating markets, which by the way was not an American invention. It started with Margaret Thatcher in the U.K. and was further promoted and pushed here in the U.S. by then-President Ronald Reagan." On this argument, Thatcher and Reagan were enablers of a market fundamentalism that led eventually to disaster.

This is deeply implausible, and for several reasons. First among them is that Thatcher left office a little less than 19 years ago, Reagan 20 years ago. She frequently expressed differences on financial policy with her successors (over exchange rates, for example) but possessed no powers of long-range hypnosis over them. If market fundamentalism is the cause of the present discontents, then John Major, Tony Blair, Gordon Brown, Bill Clinton, Robert Rubin, Henry Paulson, et al. are all market fundamentalists with far more direct responsibility for the financial crash than Margaret Thatcher.

But where is the evidence that she was a market fundamentalist? Sure, she believed that free markets were, in general, superior to state control and regulation. As we have seen, she was right to do so. For that reason she passed some major measures of financial deregulation—notably the ending of exchange control and the so-called Big Bang that opened up London's financial services industry to international competition—and these measures succeeded beyond all expectations. They enabled the City of London to compete with Wall Street for the title of world's financial center. They were implicated in the financial scandals to the same trivial degree that a better road system is implicated in a bank robber's getaway: No one, except possibly the eccentric Nicolas Sarkozy, now proposes to repeal them.

Even if they had been failures, however, they could not show Thatcher to be a market fundamentalist in thrall to the concept of self-regulating markets for the simple but adequate reasons that (as Lawson again points out) the Big Bang *extended* regulation over the city, and it was supplemented by a 1987 law further regulating the banking industry. Nor was the regulatory system shaped by this legislation responsible for the crash since it was replaced under Blair and Brown by a different system of financial regulation.

That is not to say that the Thatcher administration made no economic mistakes or was at one with itself over key questions of financial policy. Quite the contrary; it was a continual and contentious seminar on such questions as monetary control, exchange rate policy, tax incentives, and the like. But what emerges from those debates is the fact that Thatcher and her leading ministers, while guided by a rational respect for market forces, regulated financial matters in the light of changing practical circumstances and well-tested general principles rather than obedience to some abstract libertarian doctrine rooted in mathematical formulae.

She was, and is, a sound money girl in every respect. In her private capacity she once cut up her daughter's credit card because she thought it was encouraging her in financially reckless behavior; as prime minister she insisted that tenants had to put down some initial capital to buy their council homes when some colleagues proposed simply to give the houses away.

It is, however, Soros himself who exonerates Thatcher most conclusively from the charge of market fundamentalism. Here is his account of how it actually works:

> Whenever a crisis endangered the prosperity of the United States—as for example the savings and loan crisis in the late 1980s, or the collapse of the hedge fund Long Term Capital Management in 1998—the authorities intervened, finding ways for the failing institutions to merge with others and providing monetary and fiscal stimulus when the pace of economic activity was endangered. Thus the periodic crises served, in effect, as successful tests that reinforced both the underlying trend of ever-greater credit expansion and the prevailing misconception that financial markets should be left to their own devices.

In other words, "market fundamentalism" wasn't a system of self-regulating markets at all. It was a covert attempt by the regulatory authorities to sustain artificially high asset prices resting on irresponsible credit expansion by arbitrary interventions in the market to save favored financial institutions from the results of their own folly.

It would be hard to invent a system that was more completely at odds with what Thatcher did and represents.

She was, and is, a sound money girl in every respect. In her private capacity she once cut up her daughter's credit card because she thought it was encouraging her in financially reckless behavior; as prime minister she insisted that tenants had to put down some initial capital to buy their council homes when some colleagues proposed simply to give the houses away. (She thought a giveaway would reward fecklessness and discourage those who had made sacrifices to save.)

Her most consistent motif in government was her attempt to defeat inflation by controlling the money supply. She raised taxes in a recession and twice inflicted a severe credit squeeze on the British economy in this cause. She had major disputes with senior colleagues—and probably shortened her premiership—over exchange rate policies that she believed, rightly or wrongly, would import asset inflation. She cut subsidies on a range of

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failing industries at great political cost. And one of her most famous remarks—"You can't buck the market"—was an argument that an exchange rate fixed at a rate disbelieved by the markets would sooner or later collapse.

Soros can hardly have forgotten either the remark or the context since his most famous coup—namely, his successful speculation that the pound sterling would be forced out of the ERM—was based on exactly the same logic as her (implicit) criticism of "shadowing the Deutschmark."

In short, Thatcher and Thatcherism were in no wise responsible for the financial crash. Indeed, it is overwhelmingly likely that, if she had been in charge of policy, it would never have occurred or, given the uncertainties of market events, it would have been corrected at a much earlier and less disruptive stage.

None of these inconvenient facts would save Thatcher's reputation if the public response to the crash were exactly what most of the politicians and commentators plainly expected it to be: a simple rejection of market deregulation in favor of greater statism, a lurch to the left politically, and an atmosphere of crude class revenge.

Some of these elements were, indeed, present in the public mood, especially in the early stages of the crash. They have continued to influence public policy and economic argument in several countries and in global gatherings. As the crisis has played out, however, they have subsided somewhat and been accompanied, if not replaced, by other trends.

Most significant, in the long term, is that conservative and classical liberal economists have mounted a serious intellectual counterattack on the causes of the crash and on the worth of proposed solutions. It is now all but undeniable that the crash was caused by a combination of factors of which *government* failure was at least as important as *market* failure. As debates continue, the early crude antimarket bias is likely to diminish further.

Second, the political lurch to the left has simply not occurred. In Britain the Labour government is universally expected to lose the next election by a wide margin. Across Europe conservative parties are either comfortably in power or comfortably ahead of their left opponents in opinion polls. And in the United States the opinion polls suggest that, despite the personal popularity of Barack Obama, both Republicans *and* Democrats are losing support to independents. At worst that's a lurch to the middle.

The trend that most involves Thatcher, however, is the change in the public mood. It is more somber, more anxious, more serious, and more realistic than during the long boom. Because conservative parties are seen as tougher and more stringent than the left, other things being equal, they will tend to profit from this change. Because Thatcher has credit even with opponents as a brave, competent, and determined leader, she is likely to benefit more than most Tories from this. And since this change in mood was occurring in the run-up to the 30th anniversary of her 1979 election victory, she was simply more salient. People were constantly reminded by the media (sometimes with malice aforethought) of her sterner, metallic qualities.

Outside No. 10 Downing Street on the night of her election, 1979

NEWSCOM

So when the center-left magazine *Prospect* joined with the YouGov pollsters to test her current reputation this past April they discovered—surely with some surprise—that she had high approval ratings. True, the British were split down the middle on whether she had made the country better. A clear majority disapproved of "privatization" despite what *Prospect* conceded were the "falling prices, more reliable products and better customer service" of privatized utilities. But her business-friendly policies, tax cuts, and labor union reforms enjoyed varying but substantial degrees of popularity. Above all, when people were asked whom they would wish to have leading Britain through the current economic maelstrom, 47 percent preferred her to Gordon Brown and 49 percent chose her over the Tory leader David Cameron. As British politics descends further into the chaotic farce of the parliamentary expenses scandal, Thatcher's stature can only rise by comparison.

So she still matters. She matters because she is one of the very few strong leaders dedicated to freedom. And as long as freedom is a political issue, Margaret Thatcher will continue to matter. ♦

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Seeing It Now

A little tarnish on the 'golden age of television.'

BY TERRY TEACHOUT

This is the way the world ends: You can't sell a book about TV news to a trade publishing house anymore. In fact, most Americans probably can't even name all three of the people who host the newscasts that continue to run each night on CBS, ABC, and NBC. In the age of cable TV and the Web, network news is a superannuated commodity whose value is headed south at the speed of light.

Friendlyvision
Fred Friendly and the Rise and Fall of Television Journalism
by Ralph Engelman
Columbia, 440 pp., $34.50

Small wonder, then, that *Friendlyvision*, Ralph Engelman's new biography of Fred Friendly, should have been published not by a trade house but by Columbia University Press. Friendly was one of the most influential figures in the history of broadcast news, the producer of *See It Now*, the first TV newsmagazine, a program whose name continues to be spoken in hushed tones by aficionados of the golden age of television. Not only did George Clooney make a movie about Edward R. Murrow, the host of *See It Now* and the best-known TV newsman of the 1950s, but Clooney himself played Friendly.

But just as *Good Night, and Good Luck* fizzled at the box office, so has Friendly become the answer to a trivia question, known only to a soft core of fast-graying admirers who knew him when.

Why is Fred Friendly forgotten? Because he resigned from CBS in 1966 and spent the last three decades of his long life spinning his wheels at the Ford Foundation and (surprise) Columbia University. Insofar as he is remembered by anyone under the age of 50, it is as the moderator of a stagy series of PBS "seminars" on public affairs whose prestigious panelists were invited to speculate at endless length on how they might conduct themselves in hypothetical high-pressure situations of the utmost implausibility.

It was a long way from the glory days when the producer and host of *See It Now* had jointly controlled a weekly half-hour of commercially sponsored prime time on CBS that they were free to use in whatever way they saw fit, be it to chat with Carl Sandburg or to inform their viewers that Joe McCarthy was evil incarnate.

Therein lies part of the problem with *Friendlyvision*. Because it is a biography of Friendly rather than a history of his years at CBS, the last third of the book is necessarily devoted to what he did after he left the network, a subject into which I doubt that even the flashiest of celebrity biographers could pump life. Nor does Ralph Engelman come close to filling the latter bill: *Friendlyvision* is a plain-Jane academic biography that tells Friendly's story accurately but without flair.

On the other hand, Engelman has interviewed many of the people with whom Friendly worked at CBS, and though there are some odd lapses in his command of the literature of golden-age TV—he seems unaware, for instance, that Harry Reasoner devoted a whole chapter to Friendly in his 1981 autobiography—*Friendlyvision* does a decent job of explaining who Fred Friendly was and why, once upon a time, it mattered.

The key to understanding TV news in the early 1950s is that nobody watched it. Network radio was still the dominant broadcast medium, and the only newsmen who wanted anything to do with television were second-string reporters and would-be producers looking for a leg up. That left room at the top for hustlers with spotty backgrounds, and Fred Friendly filled the bill perfectly. Born in 1915, he was a gauche young man with a hair-trigger temper who fell in love with radio as a youngster but lacked the voice and personality necessary to establish himself on the air. What he had was energy, determination, and, above all, the willingness to do whatever he had to do to bulldoze his way into the broadcast business.

The fact that Friendly ended up in the news division of CBS seems to have been largely coincidental. His first network job was as the creator and producer of a news-based celebrity game show called *Who Said That?* Throughout his career in TV news, his enemies—and some of his friends—would claim that he was more interested in flash than facts. "Above all," said Robert Trout, a veteran radio newsman who worked with Friendly early in his career, "Fred Friendly was a salesman."

Enter Edward R. Murrow. No more a trained journalist than Friendly, Ed Murrow was a naturally gifted writer with a knack for turning out vivid descriptive prose who had turned himself into a celebrity by reporting on the Battle of Britain for CBS.

His stellar reputation was deserved: The scripts of several of his radio dispatches were reprinted in *Reporting World War II*, the Library of America's anthology of wartime journalism, and they read as well as they sound. But it was the way they sounded that made Murrow a star, for he read them into the microphone in a dark-grained, casually dramatic voice that was made for radio. By war's end he was as famous as Franklin Roosevelt—or Jack Benny.

By 1951, though, Murrow realized that TV was here to stay, and he also saw that the ability to write vivid descriptive prose was not the stuff of which small-screen stardom would be

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made. In order to make a go of it, he needed a producer who understood how the new medium worked. For his part, Friendly needed a polished front man to give him legitimacy, and the saturnine, elegantly-tailored Murrow was nothing if not respectable.

The two men joined forces, and *See It Now* was born.

At a time when TV news was still (in Charles Kuralt's wry recollection) "sandwiched in among puppets and pet monkeys and cute weather reports," *See It Now* was an anomaly, a wholly serious "*Life* magazine of the air" (Friendly's phrase) whose cocreators knew that television wasn't just radio with pictures. Friendly explained their method in a memo sent to the reporters who were working on a *See It Now* telecast about the Korean war:

> It is our intention to capture the mood of the combat by coming back with the "little picture." The best picture we could get would be a single GI hacking away at a single foxhole in the ice of a Korean winter. . . . The narrower the focus, the more isolated the sounds, the better the picture.

Of such painstakingly shot "little pictures" was *See It Now* made. But it was Murrow whose on-camera presence charged them with dramatic significance. In the admiring words of a CBS director, "Ed Murrow had on a television screen what Gary Cooper and Spencer Tracy had on the movie screen, the same virility, the same cinematic eyes." And Murrow was more than just a Savile Row dresser's dummy: He was a respected news analyst whose nightly radio broadcast, *Edward R. Murrow with the News*, featured his editorial commentaries on the day's events.

It was the combination of his journalistic savvy and Friendly's producing skills that made *See It Now* the first TV news program to be embraced by the viewing public. But Murrow also had a contract that gave him absolute editorial control over *See It Now*—the show was jointly produced by Murrow and Friendly, not by the news division of CBS—and starting in 1953, he used it in a way that would lay him low.

Murrow was a standard-issue establishment liberal who, like most of his colleagues, was something of an anti-anti-Communist. He made no secret of his loathing for Sen. Joseph McCarthy, whom he regarded as a reckless opportunist, and with Friendly's enthusiastic cooperation, he used *See It Now* as a stick with which to beat the junior senator from Wisconsin, airing a string of anti-McCarthy programs whose climax was a 1954 broadcast in which he declared that McCarthy's anti-Communist crusade had "caused alarm and dismay amongst our allies abroad and given considerable comfort to our enemies."

Murrow, Friendly, Ralph Bunche, Danny Kaye, 1956

BETTMANN / CORBIS

McCarthy's career was already on the skids when *See It Now* aired "A Report on Senator Joseph R. McCarthy," but the program stirred up hot controversy nonetheless, and CBS soon grew uncomfortable with the prospect of airing openly political commentary on its newscasts, even by so respected a reporter as Murrow. After *See It Now* lost its sponsor in 1955, the network pulled the show from its weekly prime-time slot and canceled it outright three years later. Murrow's TV appearances became increasingly infrequent, and in 1961, he retired from broadcasting.

Friendly, unlike Murrow, survived the demise of *See It Now*—but on CBS's terms. In the wake of the quiz-show scandals, the network sought to shore up its prestige by launching a new prime-time documentary series and inviting Friendly to produce it. The invitation came with strings attached: *CBS Reports* would be part of the news division, not an independent unit, and the invitation was extended to Friendly alone.

Eager to prove that the "unseen man behind *See It Now*" (as the *New York Times* had called him) could make a splash without his famous partner, Friendly spent the next five years making documentaries that steered clear of the explicit editorializing that had caused *See It Now* to be scuttled. *CBS Reports* was so well received that Friendly was made president of CBS News in 1964; but his abrasive managerial style was ill-suited to the task of running a corporate news division, and he quit in high dudgeon when network executives refused to give him air time to cover congressional hearings on the Vietnam war. His career in commercial TV was over.

Now that editorial comment of the most incendiary kind has become the stock in trade of cable news, it will doubtless make little sense to younger readers that "A Report on Senator Joseph R. McCarthy" should have gotten Murrow in hot water. But TV news moved in a different direction after *See It Now* was cancelled, one in which signed commentary was replaced by a subtler form of editorializing in which liberal-minded newsmen claimed to report "objectively" while infusing their stories with an implicit point of view.

This cloak of pretended objectivity was necessary at a time when there were only three networks whose content was regulated by the FCC. In the long run, though, it devastated the credibility of broadcast news and created a market for the unabashedly opinion-driven programming of MSNBC and Fox News.

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See It Now and *CBS Reports* have long since vanished into the memory hole of TV, just as Murrow has become little more than a vaguely remembered reputation. Television, it seems, can make you famous, but it can't keep you famous. It's more like an opiate: Once you stop taking your daily fix, you get all pale and clammy, then vanish in a puff of smoke. So far as I know, there's never been a TV star who stayed famous once he or she went off the air; as for prime-time documentaries, they're a thing of the fast-receding past, while the narrative techniques developed by Murrow and Friendly have been watered down into the magazine format of *60 Minutes* and its offspring, in which news is turned into an easily digestible species of entertainment.

Ralph Engelman, not surprisingly, considers all this to be bad news. He remains a true believer in the unrealized promise of *See it Now*-style TV news:

> [Fred] Friendly's quest to mobilize television to promote a substantive national conversation on the challenges before us . . . is more relevant now than ever. Those who wish to rejuvenate television journalism must build on Friendly's bold agenda as well as his capacity for passionate advocacy.

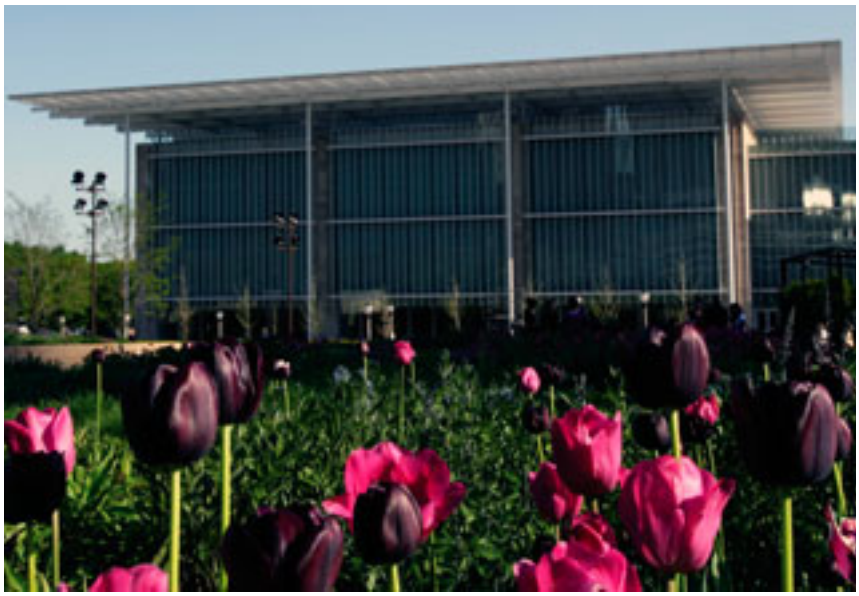
Maybe. I think it more likely that few Americans will henceforth be willing to take the good faith of TV newsmen for granted. It's been a long time since anyone took network news seriously save for the senior citizens who grew up with it. Most of the rest of us no longer assume that the oracular voice of a Charles Gibson or a Brian Williams is necessarily telling the truth, or that the producers and writers whose job it is to make such men look and sound good are any more reliable.

Unlike our parents, we prefer our advocacy straight, and we trust only those reporters who tell us what we expect to hear. *Never such innocence again*, Philip Larkin said of England in 1914, just before World War I put an end to the illusions of a generation. The same might be said of those youthful cynics who will never know how it feels to sit down in front of the TV at 5:30 each night and believe what they see. ♦

Additional Splendor

A 'Modern Wing' for the Art Institute of Chicago.

BY JAMES GARDNER



ASSOCIATED PRESS

Chicago

No group of humans has ever been more enamored of architecture than the good citizens of Chicago. To a degree almost unimaginable in Los Angeles or New York, the inhabitants of the Windy City breathe and dream of buildings. And the consequence of their commitment is evident all around them: They have demanded and received first-rate architectural monuments.

For a visitor from New York, like me, nothing is more striking about this city than the almost total absence of throw-away buildings, buildings erected with the vapid tastelessness that so often scars my native Manhattan. Where I come from, developers can get away with such mediocre products because they perceive (quite correctly) that the locals are every bit as indifferent to design as they are.

In Chicago, by contrast, architecture is part of the culture. With rare exceptions, each building, certainly in the center of town, is studied and treasured, and the man in the street can probably point you to the nearest masterpiece by Ludwig Mies van der Rohe or Louis Sullivan. The hotel where I stayed on a recent visit, the Burnham—formerly the Reliance Building, one of the world's earliest skyscrapers—was named for Daniel Burnham, the founder of the architectural firm that built it. Its restaurant, the Atwood Café, was named for the man who actually designed it, and a local publisher has brought out an entire book about it.

It is hard to imagine another city whose hotels and restaurants are named for prominent architects. But as of a few weeks ago, Chicago has at least two such eateries. The second just opened in the newly unveiled Modern Wing of the Art Institute of Chicago. Its name, Terzo Piano, is a play on that of Renzo Piano,

James Gardner, the former architecture critic for the New York Sun, *recently translated the* Christiad of Marco Girolamo Vida *(Harvard).*

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the man who designed both the restaurant and the dazzlingly white crystal palace that contains it.

The recent opening of the wing was a civic event whose weeklong fanfare recalled the sort of exuberance that the excitable Athenians surely felt at the completion of the Pheidian Parthenon. And it was no accident that the museum's new addition opened in the year 2009. Though that milestone may not seem especially resonant to most of us, it is rich in consequence for Chicagoans: Through posters and street exhibitions, no local has been allowed to forget that this year marks the hundredth anniversary of the plan for greater Chicago that was assembled by, once again, Daniel Burnham and that was brought to its highest perfection in the so-called Magnificent Mile on North Michigan Avenue.

It is in that spirit that the new wing of the Art Institute increases the size of its galleries by 64,000 square feet, thus elevating it to the status of the second largest art museum in the country, after the Metropolitan Museum in New York. As a testament to how modern and especially contemporary art has muscled its way into the center of American cultural life, the new wing, which occupies the northeast quadrant of the museum's grounds, is devoted entirely to the art of the past century.

The museum's stellar collection of Impressionists remains where it has always been, in the sturdily neoclassical structure along South Michigan Avenue to the west, built in 1893. In austere white chambers, well-lit and accented with pale woods, the new wing takes up the tale with Picasso and Matisse, and it never looks back: An inaugural exhibition is devoted to recent works by Cy Twombly. Sometimes, as in an entire gallery devoted to a dreary installation by Robert Gober, you sense that the galleries surpass in beauty and consequence the art they contain.

For the time being, surely, the building itself is the star of the show. As you approach it from Millennium Park to the north, its volumetric mass looks comparable and complementary to that of the neoclassical older wing. In fact, it is only about half the size. As in New York's Morgan Library and in the New York Times Building, two recent projects by Piano, there is an abundance of right angles. Aside from the drama of sheer presence, the one trace of flair that the architect has permitted himself is the futuristic (and not strictly necessary) Nichols Bridgeway, whose bone-white hull overshoots the Millennium Park, traverses East Monroe Street, and comes to rest near the restaurant that bears the architect's name.

Beyond that, there is nothing even remotely revolutionary about the new building, as there was in the Centre Pompidou in Paris, a project that Piano—an architect best known for his museums—completed with Sir Richard Rogers back in 1977. At the time of its completion, the Centre Pompidou was the most controversial building in the world. Without being quite postmodern (that movement was, for all practical purposes, still a few years off), the Centre Pompidou represented a brash, assertive intrusion upon the Beaux-Arts fabric of the Parisian cityscape, a storming of the gates of Modern Architecture. A museum devoted to modern and contemporary art, the Centre Pompidou looked, felt, and to some degree was made out of plastic, with garish accents in blue, yellow, and red that called to mind the goofy allure of Lego bricks.

But the machine aesthetic that was found at the Centre Pompidou, and whose last unwelcome traces can still be seen in Piano's Menil Collection in Houston (1987), has now all but disappeared from his work. And while Piano can occasionally admit bold curves into his buildings, as he did most memorably at the NEMO science museum in Amsterdam (1997)—a swirling, cylindrical green mass—for the most part he now seems to have discovered the joys of fastidious right angles, without a single curve in sight.

It is clear that, 30 years after the Centre Pompidou, Renzo Piano is a very different architect, and a far better one. Though that earlier project was flimsily built and still managed to look stolid and clumsy, the new wing at the Art Institute achieves a wraithlike delicacy that is rich in the aesthetics of engineering and as close to pure formalism as anything being built today. The one surviving trace of subversion is the way in which the modern wing fronts and fully embraces the exposed train tracks that run between it and the main Beaux Arts building.

To the extent that Piano's latest project refers to anything beyond geometry itself, the spun-sugar filigree of its brise-soleil, those stratified lines that lie over its expansive glass curtainwall, puts the visitor in mind of English Perpendicular architecture of the 14th century. (A similarly Gothic association, by the way, is suggested even more forcefully in his New York Times Building at 42nd Street and Eighth Avenue in New York.)

This Modern Wing is one of Piano's boldest assertions of volume over surface detail. From the outside, it reads as a massive, four-square box that contains space. The lid on the box is a massive brise soleil that, for some reason, Piano is pleased to call "the magic carpet." Inside, this sense of volume is borne out in the towering and majestic central nave that runs along the building's north/south axis.

Over and above such stylistic considerations, the world, like Piano himself, has grown up in the 30 or more years since the completion of the Centre Pompidou. A certain scrappy incommodity, a subordination of comfort and utility to polemical effect, was commonplace and tolerable in decades past, but would no longer be acceptable today—at least not in a first-rate institution like the Art Institute of Chicago. No matter what their stated political orientation, no matter what proletarian touches they claim to employ, the newest art museums in America are intended to look expensive.

The new wing of the Art Institute of Chicago is, in many respects, striking; but it is not especially "interesting," at least not in the manner of recent architects like Rem Koolhaas and Zaha Hadid. It is elegant and well-behaved: It does not tilt or list or challenge those who enter it. And rather than deconstructing before our eyes, like the works of Peter Eisenman and Daniel Libeskind, it looks as though it has every intention of staying put for a century or so. ♦

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Touch of Evil

Art imitates life, and vice versa, in 'The Stoning of Soraya M.' **BY STEPHEN F. HAYES**

The Stoning of Soraya M. is an intense film. It is a beautiful film. It is a disturbing film. Mostly, though, it is an important film—one that reminds us, powerfully and without apology, what evil looks like, what it feels like, and why it's crucial that we recognize and condemn evil when we see it, even when it might be easier to downplay or rationalize or ignore it.

For that reason, *Soraya* might be the best-timed movie release in decades. Directed by Cyrus Nowrasteh and produced by Stephen McEveety and John Shepherd of Mpower Pictures, it is set in a rural Iranian village in 1986. It is based on the true story of Freidoune Sahebjam, a French-Iranian reporter who happened upon the town one day after the public stoning of Soraya M., and learned of the horrific act from Soraya's aunt.

Soraya is convicted of adultery after Ali, her abusive husband of 20 years and father of her four children, invents a story about Soraya's supposed liaison with the village idiot, a recent widower. The charges are false. Ali, a jailer, made them up so that he could leave Soraya for the 14-year-old daughter of a local doctor under his watch in prison. Ali blackmails the local sheikh into endorsing the charges and, with this backing, eventually tricks or cajoles several others, including the town's gullible mayor, into joining the harassment of Soraya.

The heroine of the story is Zahra, Soraya's aunt, a feminist anachronism, an outspoken woman who stubbornly refuses to give up her voice in the early years of Iran's post-Revolution theocracy. And it is a haunting voice, both in tone and substance. Zahra, played by the Iranian actress Shohreh Aghdashloo, known primarily for her work in *House of Sand and Fog* and the fourth season of *24*, has a deep, gruff voice that ads urgency to her pleas on behalf of Soraya, and adds strength to her confrontations with villagers.

The Stoning of Soraya M. has a curiously suspenseful feel to it, despite the fact that the title eliminates any doubt about Soraya's eventual fate. Will they actually do it? How will they do it? Who will participate?

The stoning scene itself is gruesome. Early in the sequence, Soraya, wearing all white and buried up to her waist, is struck in the forehead with a sharp stone. Blood that begins as a trickle soon pours out of her fresh wound, discoloring her dress and the loose dirt around her. The violence, though difficult to watch, is powerful and essential: This is what evil looks like. It *should* be uncomfortable.

It has also proven uncomfortable for some critics. The *New York Times*'s Stephen Holden, who once lauded Quentin Tarantino's blood-soaked *Reservoir Dogs* as a "critic's choice," worries that the violence in *Soraya* veers off into "lurid torture-porn," and that the contrast between good and evil is too pronounced. Real evil, it seems, is much more difficult to comprehend than the pretend or abstract variety.

We have seen this from the White House as well. Speaking as a candidate, Barack Obama promised to stand for the human rights of Iranian bloggers and to support those who have marched and bled for democracy. Those were nice sentiments that helped him sound presidential at a time in his campaign when sounding presidential mattered most. But for more than a week after Iran's fraudulent elections, as Iranian bloggers were being silenced, and as Iran's marchers for democracy were bleeding in the streets, President Obama was virtually silent. And when the regime dispatched its thugs to smother protests with wanton brutality, Obama praised Iran's "vigorous debate."

The stoning scene was eerily reminiscent of a spectacle that unfolded in Tehran on June 20. A member of the regime's Basij militia gunned down a beautiful young woman standing on the side of the road, near a rally. A shaky video of the immediate aftermath was quickly uploaded and available for viewing on the Internet. It shows Neda Agha-Soltan—whose first name means "voice"—lying on the ground, surrounded by a group of men frantically trying to stop the bleeding from a wound in her chest.

As the camera focuses on her face, her life drifts away. And as her great brown eyes roll backwards, blood begins to flow from her eyes and nose—slowly at first, then in an inexorable flood of death.

President Obama would eventually condemn the killing of Neda Agha-Soltan and others like it. But he did so reluctantly, and only when he had no other political choice. Neda wasn't stoned to death, but she might as well have been. The method of her killing was more technologically advanced and efficient, but that was the only difference between her murder and the stoning of Soraya M. ♦

NEWSCOM

Stephen F. Hayes is a senior writer at THE WEEKLY STANDARD.

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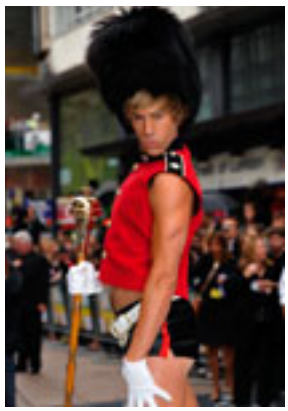
Sacha Kidder

The joke was funnier the first time around.

BY JOHN PODHORETZ

Three years ago, Sacha Baron Cohen pulled off one of the great satiric stunts of all time, traveling across America in the guise of a friendly and naïve Kazakh television interviewer whose geniality was surpassed only by his unthinking and thoroughgoing anti-Semitism and attitudes toward women that would have appalled the Rat Pack. The effect of his cheerful monstrousness on the ordinary Americans he encountered during his travels made *Borat* one of the funniest and most excruciating movies ever made.

Brüno
Directed by Larry Charles



Cohen is back with another fish-out-of-water character trying to make his way in America—this time as a 19-year-old Austrian gay fashionista who wants to become famous. But *Brüno* is to *Borat* as Thunderbird is to d'Yquem. It resembles *Borat* in the sense that Cohen manages to convince various people, including Ron Paul, that Brüno is real. ("He tried to put a hit on me," Paul fumes to his aides after Cohen does a sexy dance and strips to his underwear.) But the astonishingly bold jokes about anti-Semitism and sexism in Cohen's first film have given way to rather conventional humor about the hunger for celebrity and standard-issue dirty jokes about homosexuality.

Indeed, "dirty" is the best word to describe *Brüno*, which is probably the raunchiest film ever released with an R rating. There is even a scene in the film during which Brüno is actually watching as two real people have sex (their genitals are blotted out with black dots)—surely the first time such a thing has ever happened outside hard-core pornography.

Brüno has decided to go straight in order to become a star like Tom Cruise and John Travolta and gets himself invited to a swingers' party. First, he asks one of the swingers, an anorexic tattooed redneck in his forties with a handlebar moustache, about having straight sex, and eventually goes to watch. But he can't keep his eyes off the redneck: "You're doing a great job," he says, patting the man's rear. Eventually, the redneck loses his cool and starts screaming at Brüno.

It's hilarious, undeniably, and unlike any gag you've ever seen. Still, unless the scene is entirely staged, and it doesn't feel like it is (a follow-up with Brüno and a dominatrix is clearly acted out), we are watching a sex act being performed before our eyes in a finished basement.

Earlier in the movie, we see Brüno and his beloved, whom he describes as a "midget Filipino airline pilot," having sex every which way. This is crude as all get-out, so even though the conduct being depicted is more extreme, it doesn't have the nightmarish kickback of the swinger sequence.

Borat was certainly ribald, with the slapstick highlight of a naked wrestling match between Borat and his sidekick that exploded outward from a hotel room to an elevator into the middle of an actual sales convention. But it was really nothing like this, and for a genuine original like Cohen, the retreat into gay sex jokes and porn humor is disappointing.

Perhaps Cohen came to understand during the making of the movie that, unlike Borat, Brüno simply isn't an especially interesting character in his own right. (For one thing, he bears more than a passing resemblance to Mike Myers's Dieter, the pretentious black-garbed German from *Saturday Night Live* who said things like "His agony was gorgeous.") And so, to compensate for the fact that his second film features what is essentially a stock character, he decided to crank up the crudity to take the place of the originality.

Brüno almost feels like a skit on the Howard Stern radio show blown up into an 80-minute film; just as with Stern, Cohen is attempting to mine comedy from dancing all along the boundary line. (Cohen is fortunate the movie was released by a major studio that paid him $42 million for the rights to the character of Brüno, because had *Brüno* been made as a cheap independent film, there is no way on earth it would have earned an R rather than an NC-17.)

He may have made a wise move here. Critics like me may carp, but the teenage boys and twentysomething boy-men who are the most reliable moviegoers in America may find *Brüno* even more to their liking than *Borat* was. There's nothing here to discomfit them; this is a movie that caters to their prejudices, rather than holding up a mirror to them. That includes much of the gay humor, which suggests that sex as performed by homosexuals is so repulsive as to be comic.

To even up the score, and to show that Cohen is on the side of the angels and opponents of Proposition 8, Brüno visits two Christian ministries dedicated to converting homosexuals to heterosexuality and makes them look ridiculous. But these scenes are basically carbon copies of similar encounters in Bill Maher's documentary *Religulous* (which shares a director, Larry Charles, with *Brüno*). They seem to have been added merely for reasons of spin. Which, considering Cohen's efforts to be a fearless satirist, is worthy of satire itself. ♦

John Podhoretz, editor of Commentary, *is* The Weekly Standard*'s movie critic.*

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"During more than three hours of interviews over two days at his Statehouse office, [South Carolina governor Mark] Sanford said he is trying to fall back in love with his wife, Jenny, even as he grapples with his deep feelings for Chapur." —Associated Press, July 1, 2009

Parody

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Good Corinthians Quotes

Amor Caliente – Chicas Argentinas Para Tu (Non Segura Para El Trabajo)

Ilhabela, Brazil — Sao Paulo's Beach Resort island

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(216 unread) SCMail, LatinLo...

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  - 397 Online
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  - Jenny emails
  - RGA speeches

From	Subject
john@johnedwards.com	a few tweaks to your confession
silvio.berlusconi@governo.it	Your pathetic confession
sarah.palin@alaska.gov	Re: Tango lessons
hrc@state.gov	How to fall back in love with your wife
espitzer@gmail.com	You paid way too much
wjc@clintonfoundation.org	Fw: fw: fw: Very funny joke: How to fall back in love with your wife
notification+sberlusconi@facebook...	Check out my new album: Mio grande salsiccia!
ensign@senate.gov	Vegas baby!
Netflix Shipping	For Wed: Love Story
notification+wjc@facebook.com	Bill Clinton has invited you to the event "Let's blow off some steam
travelocity@travelocity.com	Cheap fares to Buenos Aires, New York City, Hamptons
books-store@amazon.com	Your order of "Act Like a Lady, Think Like a Man" by Steve Harvey has
confirmation@ftd.com	Confirmation for flowers sent to Jenny Sanford, Maria Belen Chapur,
larry_craig@senate.gov	fw: fw: fw: Airport security alert!
godiva@email.godiva.com	Send chocolates to your Soul Mate

To: Governor Mark Sanford <latinlover@sc.gov>
From: Senator John Ensign <ensign@senate.gov>
Time/Date: July 1, 2009 4:07pm
Subject: Vegas baby!

Let's say you stop in LV on your way back from RGA mtg and you feel like dancing

TODAY: 07/08 394 events. Click the plus sign to add an event.

Stopped

Transferring data from 175.176.177.033...

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